

DEPARTMENT: Planning

By: Sarah Williams
Interim Planning Director

Phone: 966-5151

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

Deny business owner's request to locate a structure on Yosemite West Maintenance District-owned property in Yosemite West for the key distribution center for the Yosemite's Scenic Wonder's operation.

Detailed justification for the recommended action is contained in the attached memorandum to the Board of Supervisors.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

10/20/98 Board denied a request from the business owner to allow the rental service center to remain on APN 006-100-061, a privately owned parcel, as a temporary use. A 6-month time extension for compliance was granted. This request resulted from code enforcement action taken by the County.

5/18/99 Board denied a request from the business owner for another time extension (until 12/31/99) for code violation abatement on APN 006-100-061. Board required full compliance within 105 days following Board action (by 8/31/99).

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

ALTERNATIVES: See circled page 5 of packet.

NEGATIVE ACTION (denying the request) would mean that existing rental service center use could not be moved to District-owned property near the community mailboxes.

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 the Board with Attachments:

1. Vicinity Maps
2. Proposal from Applicant
3. 8/26/99 Memo from Public Works
4. 8/26/99 Memo from County Counsel
5. Correspondence from Public

CLERK'S USE ONLY

Res. No.: 99-344 Ord. No.: _____

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

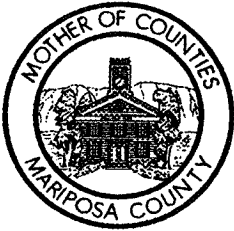
_____ For Policy Determination

_____ Submitted for Comment

_____ Returned for Further Action

Comment: _____

A.O. Initials: [Signature]



COUNTY OF MARIPOSA

P.O. Box 784, Mariposa, CA 95338 (209) 966-3222

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MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: SARAH WILLIAMS, Interim Planning Director
FROM: MARGIE WILLIAMS, Clerk of the Board *MW*
SUBJECT: Public Hearing to Consider Request to Construct 600 Square Foot Structure on Yosemite West Maintenance District-Owned Property to House the Key Distribution Center for Yosemite's Scenic Wonders Operation; Res. 99-344

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on November 16, 1999

ACTION AND VOTE:

2:06 p.m. Sarah Williams, Interim Planning Director;

PUBLIC HEARING to Consider Request to Construct 600 Square Foot Structure on Yosemite West Maintenance District-Owned Property to House the Key Distribution Center for Yosemite's Scenic Wonders Operation; Ken LeBlanc, Business Owner (APN 006-150-007, Yosemite West)

BOARD ACTION: Sarah Williams presented the staff report, and she reviewed the recommendation, alternative actions, and options for the business to be able to operate. She advised that correspondence that was received has been distributed to the Board members and staff and entered into the record.

Public portion of the hearing was opened. Input was provided by the following:

Ken LeBlanc, applicant and owner-operator of Yosemite's Scenic Wonders, advised that when he submitted his application, it was with the intent that it be for all of the agencies/operators in the area. He stated he feels this would be a win-win situation for the community. He noted that he has tried other proposals and was turned down – he feels the Board will come up with a fair solution.

Gregg Garrison, Garrison Law Corporation, advised that he is representing the applicant. He withdrew the proposal for the concept of an off-site key distribution center, saying he feels that the suggestion by County Counsel and the Interim Planning Director is a better plan. He recommended that an amendment be put together, working with staff, and that they apply for a use permit. He feels this would give the community and staff the ability to better control activities in Yosemite West.

Mark Chapman, Yosemite West resident, stated this is a very frustrating situation for everyone.

Supervisor Reilly requested clarification of Mr. Garrison's withdrawal of the request that is being considered today, and his request to move forward with staff's recommendation, and where that leaves the hearing process. Jeff Green, County Counsel, advised that the Board could consider the overlay zone

alternate as the request for use of County-owned property is withdrawn. The comments in this hearing process should be channeled as to whether the Board should move forward with the overlay zone.

Mark Chapman continued with his input and stated he supports the overlay alternative as it solves problems and is an equitable solution.

Harry Hagen proposed that the applicant be invited to formally submit the overlay alternative in writing so that it could be evaluated and reviewed by the community.

Garrett DeBell, Yosemite West homeowner, stated he rents his home part of the year to Yosemite's Scenic Wonders. He referred to his written statement that he provided to the Board and urged the Board to support making transient rental check-in facilities, including key distribution, a conditional use in Yosemite.

Public portion of the hearing was closed and the Board commenced with deliberations. Sarah Williams explained the overlay proposal and advised that the County could initiate the process, or the applicant could file an application. Staff responded to questions from the Board relative to the overlay amendment process and the use permit process. Gregg Garrison advised that the applicant would be willing to make application for the overlay zone. Discussion was held relative to directing that the County make application for the overlay zone amendment and be responsible for the fees, and that the applicant make application for the use permit. Staff responded to questions from the Board relative to existing facilities and code enforcement, extending the time to abate this violation to see if the alternative is feasible, and relative to timeframes for processing the amendment. Mr. Garrison advised that the applicant has drafted the conditional use permit and submitted it, and they could proceed with the overlay application. Discussion was held relative to consideration of extending authorization for the current operation and have a preliminary discussion with the Advisory Committee before the Board provides specifics on whether it would be a County or applicant initiated amendment process. Staff responded to a question from the Board relative to restricting any expansion of the business until the application processes are complete, and Mr. Garrison advised that they have no objection to this. (M)Reilly, (S)Parker, Res. 99-344 adopted directing Planning staff to begin work on the establishment of an overlay district, looking at the process that would allow for a conditional use permit and extending the abatement period on this compliance matter until after the applications are processed. Further discussion was held. Sarah Williams advised that she would distribute Advisory Board minutes and agendas to the Board and keep the Board informed of the Advisory Board and Planning Commission's recommendations and concerns relative to this matter. If the amendment is not ready to be scheduled for the Board within the next six months, she will schedule a status report. Ayes: Reilly, Balmain, Parker, Pickard; Excused: Stewart. Hearing was closed.

cc: Mike Edwards, Public Works Director
Jeff Green, County Counsel
File