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

Resolution approving the following:

1. Temporary concrete batch plant and associated uses on APN 06-040-024
2. Temporary borrow sites for fill material and rock rip rap, and associated uses on APNs 06-040-024, 06-040-023, and 06-060-018
3. An exemption from the State Surface Mining and Reclamation Act (SMARA) for the borrow sites in accordance with Section 2714 of Public Resources Code, Division 2, Chapter 9.

Justification for recommended action is discussed in attached memorandum to Board.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

See attached memorandum

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

1. Modify or condition temporary uses.
2. Do not approve temporary uses and exemption (negative action). Material or repair and reconstruction work would have to be hauled into river canyon from outside sources.

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:

1. Memorandum to Board

CLERK'S USE ONLY
Res. No.: 97 -30  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: ________________________
MARIPOSA COUNTY RESOLUTION NO. 97-36

A RESOLUTION APPROVING TEMPORARY CONCRETE BATCH PLANT USE AND TEMPORARY BORROW SITES FOR EMERGENCY ROAD AND STRUCTURE REPAIR WORK IN MERCEDES RIVER CANYON FOLLOWING FLOODING EVENTS

WHEREAS, the recent flooding events along the Merced River caused extensive and severe damage to roadways and structures throughout the Merced River Canyon, including the El Portal Town Planning Area; and

WHEREAS, the damage resulted in the closure of entire sections of Highway 140, including the entrance to Yosemite National Park and access to the El Portal Trailer Park; and

WHEREAS, the flooding eliminated entire sections of Incline Road, a County maintained road which provides the only access to residential development on the north side of the Merced River; and

WHEREAS, the flooding caused foundation damage to resort commercial development at the Yosemite View Motel Complex (owned by Yosemite Motels) and caused irreparable damage to an adjacent restaurant; and

WHEREAS, the flooding damage resulted in restricted access from Briceberg to the Cedar Lodge Motel. Traffic is limited to one way “caravans” because portions of the highway and shoulder are either gone entirely or severely undermined and in many locations there is only one lane which is safe for vehicular traffic; and

WHEREAS, based upon the extent of the flooding damage, the Board of Supervisors adopted Resolution No. 97-1 on January 7, 1997, proclaiming “existence of a local emergency” and requesting the Governor of the State of California to proclaim a state of emergency and to request a presidential declaration, and the Governor and the President did make the requested proclamation and declaration; and

WHEREAS, in response to the damage, Yosemite Motels has proposed the installation of a temporary concrete batch plant on APN 06-040-024 to enable local availability of concrete for repair and reconstruction efforts in the Merced River Canyon. The batch plant will be operated by Outback Materials, a local concrete supplier. The General Plan land use designation and zoning on this parcel does not address this temporary use; and

WHEREAS, Yosemite Motels has also proposed temporary borrow sites for fill material and rock rip rap on APNs 06-040-024, 06-040-023, and 06-060-018 to enable local availability of these necessary materials for repair and reconstruction efforts in the
Merced River Canyon. It is intended that the material also be utilized for mixing of concrete at the temporary batch plant. The General Plan land use designation and zoning on two of these parcels does not address this temporary use; and

WHEREAS, Yosemite Motels has offered the fill material and rock rip rap to all affected agencies (including the County of Mariposa, Caltrans, Federal Highways, and the National Park Service) free of charge, to facilitate on-going reconstruction work and to minimize its costs; and

WHEREAS, Yosemite Motels has already employed a local botanist to identify locations of sensitive plant species on these parcels. The identified populations have been flagged in the field, and Yosemite Motels will protect these species with fencing placed in a 10 foot radius around the plant sites. This is one typical way to protect known sensitive plant species for development projects; and

WHEREAS, based upon the visibility of the borrow sites from Highway 140, Yosemite Motels proposes to employ licensed landscape architects to develop plans for the sites to minimize visual impacts of the excavation activities and reclaim the sites for future uses (including erosion control, revegetation and landscaping for screening). The landscape architects will work in conjunction with local Resource Conservation District and Planning staff relative to these efforts, which will include limitations to the slopes of the excavations to ensure that revegetation efforts will be successful upon completion of the use; and

WHEREAS, Yosemite Motels also proposes to limit the areas of excavation and retain native vegetation along Highway 140 to provide an appropriate buffer between the highway and the temporary uses and to minimize visual impacts; and

WHEREAS, Yosemite Motels proposes to contact Caltrans to address any concerns they may have regarding impacts of the temporary uses and hauling activities on Highway 140; and

WHEREAS, neither the proposed site for the temporary concrete batch plant or the borrow sites are immediately adjacent to the Merced River, a designated Wild and Scenic River; and

WHEREAS, the applicant has consulted with the Department of Fish and Game on possible impacts to the river environment.

NOW THEREFORE, the Board of Supervisors of Mariposa County hereby resolves the following:

1. A temporary concrete batch plant and associated uses are approved for APN 06-040-024. These temporary uses are approved for operation from January 21, 1997 until June 1, 1997 or until completion of all repair and
reconstruction work in the canyon, whichever comes first. Prior to installation or operation of the temporary use, a grading and/or building permit shall be obtained from the County Building Department as necessary. All permit requirements shall be met throughout the life of the temporary use. The concrete material from the plant shall only be utilized for repair and reconstruction work associated with flooding damage in the Merced River Canyon. The batch plant shall be completely removed from the site upon completion of the approved temporary use, and the site shall be restored and revegetated in accordance with County Grading Ordinance standards and the recommendations of staff from the Resource Conservation District.

2. Temporary borrow sites for fill material (including rock rip rap) and associated uses are approved for APNs 06-040-024, 06-040-023, and 06-060-018. Prior to any work on the sites for the temporary use, a grading permit shall be obtained from the County Building Department. The permit shall include specific provisions to address dust and other potential impacts which might result from heavy equipment usage of Hites Mine Road. These provisions shall include, but not be limited to, watering of the road to control dust, grading of the road during use and upon completion of use, and graveling of the road during use and upon completion of use. All permit requirements shall be met throughout the life of the temporary use. The fill material and rip rap shall only be utilized for repair and reconstruction work associated with flooding damage in the Merced River Canyon. The borrow site uses shall be immediately ceased upon completion of all repair and reconstruction work in the canyon, and the site shall be restored and revegetated in accordance with County Grading Ordinance standards, and the recommendations of staff from the Planning Department and Resource Conservation District, and a licensed landscape architect.

NOW THEREFORE, the Board of Supervisors further resolves that approval of these temporary uses is based upon the following findings:

1. There are special and unique public safety, environmental, and economic circumstances relative to the recovery efforts from the recent flooding events in the Merced River Canyon. Although there are no provisions in the Zoning Ordinance which address temporary uses, it is in the general public interest to have and provide for such standards to facilitate reconstruction and repair work for immediate access and recovery.

2. The temporary uses are exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with Sections 15269(a) and 15269(b) of the CEQA Guidelines. The temporary concrete batch plant and borrow sites are uses which are necessary to conduct "emergency repairs to public service facilities necessary to maintain service".
3. Based upon the specific project proposal from Yosemite Motels, the temporary uses will not have a significant adverse effect on the general public health, safety, peace and welfare. The temporary uses will actually facilitate the emergency repairs, which will have a positive and beneficial impact on the general public health, safety, peace and welfare.

4. The temporary borrow site uses are exempt from the State’s Surface Mining and Reclamation Act (SMARA) (Public Resources Code, Division 2, Chapter 9) in accordance with Section 2714 of the statutes. This section states, “This chapter does not apply to any of the following activities: (a) Excavations or grading conducted for...the purpose of restoring land following a flood or natural disaster.” The borrow sites represent sources of construction materials which are necessary to restore land following the flooding events.

5. Providing standards for temporary uses and approving an exemption from the provisions of SMARA are appropriate for the temporary uses based upon their proximity to the reconstruction and repair efforts. The sites of the proposed temporary concrete batch plant and temporary borrow site uses are within the Merced River Canyon. Having these materials close to the work areas will improve the efficiency and the overall safety of the reconstruction work as follows:

- The length of the hauling routes for the materials will be minimized, which is critical because Highway 140 already has restricted access due to dangerous conditions along the road. The road has been severely impacted by the flooding events, and heavy equipment will only further compromise this road.
- Minimizing heavy equipment hauling materials along the restricted portion of Highway 140 will be beneficial to public safety, as many portions of the road are one lane, and there are regular “caravans” for private automobiles. The proposal will minimize the potential for dangerous encounters between the caravans and the heavy equipment traveling into and out of the canyon along the highway.
- Minimizing the length of the hauling routes will result in materials being delivered to the reconstruction sites more quickly, enabling more efficient work, and less expensive hauling costs.
- By using native sources, no non-native plant or rock materials will be brought into the canyon. The Merced River is classified as a “Wild and Scenic River” and the canyon is considered to be a fairly pristine river canyon environment.
- The construction materials are being offered to public agencies for no charge, and so the costs of the reconstruction work (and ultimately, the costs to the public at large) will be minimized.
6. These actions are consistent with the Mariposa County General Plan Safety Element which states that a major area of concern for flood hazards in Mariposa County is the "lack of adequate access for emergency equipment to residential structures during periods of flooding."

The Safety Element and County Disaster Plan also "provide for coordination of services during major emergencies in order to accomplish...restoration or activation of essential facilities and systems."

7. This action by the Board of Supervisors is based upon the special and unique circumstances related to this specific proposal by Yosemite Motels. The waivers and exemptions approved by the Board of Supervisors does not establish a precedence for similar actions, unless warranted by other similar special and unique circumstances which shall be reviewed by the Board on a case by case basis.

PASSED AND ADOPTED by the Board of Supervisors of Mariposa County on this 21st day of January, 1997 by the following vote:

AYES: Reilly, Balmain, Stewart, Parker, and Pickard
NOES: None
ABSTAINED: None
EXCUSED: None

ROBERT C. STEWART, 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
TO: ED JOHNSON, Planning & Building Director

FROM: MARGIE WILLIAMS, Clerk of the Board

SUBJECT: TEMPORARY CONCRETE BATCH PLANT USE & BORROW SITES

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on January 21, 1997

ACTION AND VOTE:

Public Presentations: For Non-Timed Agenda Items and for Items Not on the Agenda
- John Newman, Newman Ranch, advised that Caltrans is letting a contract later today for Highway 140 repair between Briceburg and El Portal and they are looking for specific construction materials, and he has two locations where this material could be obtained locally if SMARA exemptions can be granted under the emergency disaster declaration; and he noted that obtaining the materials locally would save on construction costs. Request was continued to be considered with the 10:00 a.m. Public Hearing.
- Mark Long referred to publicity by Caltrans that local materials would be used for the Highway 140 repairs; however their bid specifications call for materials that are not available locally. He further noted that he could provide alternative materials that have been used in highway construction previously. This would reduce costs and speed up the repairs. He requested that the County urge Caltrans to use local materials wherever possible. Chairman Stewart asked Public Works Director to check on the status of the Caltrans bid process for awarding a contract. Mike Edwards/Public Works Director, advised that it is his understanding that Caltrans will open bids at 2:00 p.m. this date and that they were working with four or five potential bidders and it could be difficult to get an addendum to the bid prior to opening. Matter was continued to be considered with 10:00 a.m. Public Hearing.

10:22 a.m., Ed Johnson, Planning & Building Director;
PUBLIC HEARING to Consider Temporary Concrete Batch Plant Use and Temporary Borrow Sites (Including SMARA Exemption) for Materials for Emergency Road and Structure Repair Work in Merced River Canyon Following Recent Flooding Events; APNs 06-040-024, 06-040-023, and 06-060-018; Fischer, Etal. (Yosemite Motels), Property Owners
BOARD ACTION: Ed Johnson presented an overview of the request. Sarah Williams, Planning Manager, provided a detailed staff report and advised of correspondence received for this hearing. Ed Johnson reviewed the State staff's position relative to SMARA exemptions. Staff responded to questions from the Board relative to the status of the temporary batch plant and the
request for the plant with regards to the application for the addition to the motel and the Planning Commission’s approval process; difference of opinion between State staff and County staff’s interpretation of SWANA exemptions; findings for CEQA exemption; and relative to the amount of material in the three sites. Public portion of the hearing was opened and the following input was provided. Applicant’s presentation: Art Baggett, representing Yosemite Motels, noted that a temporary batch plant was used for the construction at Cedar Lodge and the Park has used temporary batch plants for previous construction projects and they have been used in other locations in the County - they provide a cheaper and more efficient use during construction; the issue for temporary use for this plant was raised because Public Works asked about using it for slurry seal for Incline Road; and he stated the rock material that Caltrans is requesting in their bid specifications for Highway 140 repairs is not available in the area. Barry Brouillette, representing Yosemite Motels, advised that they just closed escrow with Jette’s for the portion of property across from the Parkline before the flooding and their plans for development for that property are for a wedding chapel with landscaping. Barry Brouillette responded to questions from the Board as to whether any of the sites could provide materials to meet the Caltrans’ specifications, and stated they could not provide any of the specified materials, only a slurry seal (decomposed granite and cement mix) and they do not know if Caltrans will use that; the rock by the batch plant is being used on-site to replace rocks that went down river during the flood. Persons speaking in support of the applicant: Nick Goldman, Outback Materials, advised that they have three portable batch plants and have been operating in the State since 1968, and have operated at least three temporary plants in the County and never needed to go through a permit process; and stated they are not intending to set up a commercial operation and he feels that is where zoning issues come into affect. Persons speaking in opposition to the project: Jean Adams, owner of Ansel Adams Gallery and neighboring property owner to the project, stated she is testifying on behalf of the River and against irreversible damage, noted that the Merced River is designated as Wild and Scenic and should be protected, and stated she is concerned with impacts in the area with heavy trucks, she wants her parcels to remain natural; and she questioned the definition of “temporary” for the batch plant operation. Veronika Gerger, Indian Flat RV Park, stated she is a neighbor to the borrow site by Cedar Lodge, advised that Hites Mine Road goes through her parcel - she requested that if the road becomes dry, that mitigation measures be imposed for the dust, and that the road be left in better condition when the project is finished as it has been used in the past for these types of operations; and requested that the road bank by the Highway not be altered in any way and offered the use of another access for vehicles re-entering the Highway. John Sharp commented on the material requirements for bidders to meet the Caltrans specifications for Highway 140 repair and the concern of the contractors as to whether they can get the materials, and requested that Caltrans be asked to postpone the bid for 24 hours; stated they do not have a problem with the batch plant; and reviewed the list of questions that was submitted to the Planning Department relative to this project; asked if there is a blasting plan and whether air quality and storm water run-off issues have been addressed for this project; and noted that he felt the Security and Exchange Commission limits someone from selling products below cost to restrict other suppliers. Sandy Bunning stated she and her husband have a mining permit in the County and they were the only ones with financial assurances in place the last time she checked the records; stated they had to go through the permit system and is concerned with exempting the normal permit process for the disaster repair work - she would like to see the normal process followed. Comments of a general nature were provided by the following: Michael Quinn, representing landowners in the Whitlock district, stated there is an emergency and there will be problems if the County’s roads are not opened; and stated he felt the existing piles of mine tailings in the County should be considered for use in the repairs. John Newman stated he has a proposal for locations for obtaining materials locally to use in the repairs; and asked if these sites are going to be exempted from the normal permit process, if the exemption would apply to others who have material available - using local materials will result in cost savings and lessen the heavy traffic impacts for trucking the materials to the sites. Mike Edwards, Public Works Director, commented that from the County’s perspective, the batch plant could be a great local source of material for Incline Road repairs as the cement slurry is a stable backfill to the rip-rap material. Rebuttal: Art Baggett stated they agree with protecting the River - the issues today
are not tourism and development issues, they have two landscape architects involved in the project and do not want to do anything that would destroy or impact the area and the Park; advised that they do not plan to operate the batch plant after June 1, 1997; noted that time is of the essence in repairing the roads as people are out of work and the children are unable to get back and forth to school; they have worked with the Resource Conservation District (RCD) on the project; they do not have any rip-rap materials for off-site use; there will be no blasting; no rocks will be taken off-site; they do not have any prices set for the materials and have no contracts for the materials; and advised that they are trying to plan ahead to help the community. Barry Brouillette noted that there is the possibility of having a windfall to a contractor if they all planned to use outside sources for materials and then a local site is found after the bid is awarded by Caltrans and suggested that Caltrans be made aware of that possibility. Public portion of the hearing was closed. Staff responded to questions from the Board relative to any previous permit process for the site at Cedar Lodge and if there is an existing pit; clarification relative to the use of rip-rap materials and the SMARA exemption process; whether it is possible to expand the exemption to other areas that may have materials for road repairs as a result of the disaster; including the sunset date for the batch plant operation in the formal resolution; whether there is a different regulation process for the Wild and Scenic River issues; whether a report was issued by Fish and Game as a result of their inspection; whether archeological and cultural issues have been addressed as may be required during a normal permit process; whether there is any estimate of the amount of available materials from each of the three sites or any estimate of the amount of materials that will be needed for repairs; and whether granting a SMARA exemption would make it an approved pit for Caltrans.

Staff reviewed recommended changes to the resolution relative to applicant’s consultation with Fish and Game and inclusion of a sunset date. Board commenced with deliberations. (M) Parker, (S) Pickard, Res. 97-30 adopted approving project as recommended with SMARA and CEQA exemptions; with a closure date of June 1, 1997, for the batch plant, with direction to staff to bring the matter back should it be necessary to extend the deadline due to reconstruction work as a result of the flood disaster; with further direction to staff to review exemptions for SMARA and CEQA for other sites that may exist on a case-by-case basis where there are no unidentified issues and to expedite any such applications; encourage Caltrans to use local contractors wherever possible; include mitigation measures for Hites Mine Road; and suggested that Planning and Public Works discuss with Caltrans their process. Motion was amended, agreeable with maker and second, to include requirement for landscape architect to work with RCD and Planning to protect the plant species/Ayes: Unanimous. Hearing was closed.

cc: Mike Edwards, Public Works Director
Jeffrey G. Green, County Counsel
File
January 13, 1997

MEMORANDUM

TO: Mariposa County Board of Supervisors

FROM: Sarah Williams, Planning Manager
Ed Johnson, Director

SUBJECT: Temporary Uses in Merced River Canyon for Emergency Road and Structure Repair Work

Project Summary:

Yosemite Motels (Gerald Fischer, etal.) has proposed some temporary uses on three properties in the El Portal area to accommodate reconstruction and repair work for roads and structures in the Merced River Canyon. Board action is necessary on these proposals because the Zoning Ordinance does not provide for the temporary uses.

Temporary Concrete Batch Plant:

Proposal

Temporary concrete batch plant and associated uses on APN 06-040-024. The batch plant is to be operated by Outback Materials, a local concrete supplier. The concrete will be utilized for road and structure repair work in El Portal and the Merced River Canyon. Material will be utilized by Yosemite Motels, the County, Caltrans, and possibly even the National Park Service.

The site is adjacent to the Yosemite View Motel Complex, between Highway 140 and the Merced River. Site zoning is “Resort Commercial”, which does not address this temporary use.
Memo to Board, 1/13/97

More specific details from the applicant regarding the size of the plant, necessary site development, and the extent of the temporary use (in terms of both time of operation and output) will be available at the time of the Board hearing on 1/21/97.

Recommended Action

Staff recommends that the Board of Supervisors adopt a resolution approving this temporary use for emergency reconstruction and repair work associated with the recent flooding events.

A draft resolution with findings supporting this action will be available at the hearing.

Temporary Borrow Sites for Fill Material and Rock Rip Rap:

Proposal

Temporary borrow sites for fill material and associated uses on APNs 06-040-024, 06-040-023, and 06-060-018. The borrow sites are to be operated by local contractors or governmental agencies. The fill material and rock rip rap will be utilized for road and structure repair work in El Portal and the Merced River Canyon. Material will also be utilized for mixing concrete. Material will be utilized by Yosemite Motels, the County, Caltrans, and possibly even the National Park Service.

The location of the project sites and zoning designations are as follows:
APN 06-040-023 - adjacent to the Yosemite View Motel Complex, between Highway 140 and the Merced River. Site zoning is “Resort Commercial”, which does not address this temporary use.
APN 06-040-024 - adjacent to the Yosemite View Motel Complex, on the opposite side of Highway 140. Site zoning is “Town Planning Area”, which does not address this temporary use.
APN 06-060-018 - at the end of Hites Mine Road, near the Cedar Lodge Motel Complex. Site zoning is General Forest, which lists mining and mineral rock processing as a permitted use.

It is the applicant’s position that utilizing local sources will improve the efficiency of the reconstruction work, by minimizing the length of the hauling routes for necessary materials. Highway 140 already has restricted access, due to dangerous (and often one lane) conditions along the road. Using local sources will minimize potential impacts associated with hauling along the restricted portion of Highway 140. These fill and rip rap materials are being offered to local agencies for no charge, and so the costs of the reconstruction work will be minimized. Also, by using native sources, no non-native plant or rock materials will be brought into the canyon (which could have negative effects on the canyon environment).
Memo to Board, 1/13/97

More specific details regarding the size of the borrow sites, necessary site development, and the extent of the temporary use (in terms of both time of operation and output) will be available from the applicant at the time of the Board hearing on 1/21/97.

Recommended Action

Staff recommends that the Board of Supervisors adopt a resolution approving this temporary use for emergency reconstruction and repair work associated with the recent flooding events.

A draft resolution with findings supporting this action will be available at the hearing.

SMARA Exemption for Temporary Borrow Sites:

Proposal

The temporary borrow sites could be technically considered to be surface mining operations, which are subject to the State's Surface Mining and Reclamation Act (Public Resources Code, Division 2, Chapter 9).

Typically, surface mining operations in the County require a mining permit, reclamation plan, and financial assurances, all of which must undergo environmental, County and public review at a noticed public hearing at the Planning Commission. However, SMARA does include provisions for exemptions. Specifically, Section 2714 states,

“This chapter does not apply to any of the following activities: (a) Excavations or grading conducted for farming or onsite construction or for the purpose of restoring land following a flood or natural disaster.”

Staff recently discussed this section with a compliance engineer for the State Office of Mine Reclamation, as it might apply to local flood recovery work. The compliance engineer stated that it is their staff’s position that this exemption cannot be used for borrow sites for material as proposed by Yosemite Motels. The compliance engineer stated that the borrow sites, even if temporary and even if for use for flood restoration work, are subject to a mining permit, reclamation plan and financial assurances. The permitting process, even if “rushed”, would likely take a couple of months to complete due to noticing requirements and the State’s involvement in the review process. The engineer did state that some counties throughout California are using the Governor’s disaster declaration to override these state statutes.
Memo to Board, 1/13/97

It is staff’s interpretation that this exemption can be utilized for the temporary borrow sites for the emergency reconstruction and repair work associated with the flooding damage in the Merced River Canyon. Staff’s interpretation is based upon the exact language of the exemption - “Excavations or grading conducted for...the purpose of restoring land following a flood or natural disaster”, and the fact that the word “onsite” is not included in the section of the exemption addressing flood restoration work. County Counsel concurs with staff’s interpretation.

Recommended Action

Staff recommends that the Board of Supervisors adopt a resolution approving an exemption from the State Surface Mining and Reclamation Act (SMARA) for the borrow sites on APNs 06-040-023, 06-040-024, and 06-060-018 in accordance with Section 2714 of Public Resources Code, Division 2, Chapter 9.

More specific details, including a draft resolution and findings supporting this action, will be available at the time of the Board hearing on 1/21/97.

Issues of Concern for All Sites and Proposed Temporary Uses:

Staff identified a few issues of concern regarding the proposed temporary uses. The applicant has agreed to work with the Planning and Building Department regarding these issues:

Identified Sensitive Plant Species

One of the properties is a known location of a sensitive plant species. The applicant has already had a botanist on the site, and the plant locations have been flagged in the field. The applicant proposes to install a fence around the flagged locations to protect them from any work. The fence will be placed in a 10 foot radius around the plant sites. This is a typical way to protect known sensitive plant species for projects.

Grading and Erosion Control

The applicants will be required to obtain a grading permit for the proposed borrow sites, which will ensure compliance with grading ordinance standards, including regular inspections by County staff. Additionally, the applicants have agreed to incorporate all of the recommendations of the Resource Conservation District staff with regard to erosion control and revegetation efforts.

Highway 140 Access

The applicants have agreed to contact Caltrans to address any concerns they may have regarding the temporary uses and associated hauling activities.
Memo to Board, 1/13/97

Visual Impacts

The borrow sites are close to Highway 140, which is a scenic highway and the entrance to Yosemite National Park. The borrow sites have the potential to negatively impact visual quality along the road. The applicant has agreed to limit the areas of excavation, to ensure that potential visual impacts are minimized. The applicant proposes to retain all native vegetation along the road, to provide a buffer between the highway and the temporary uses. The applicant will also limit the slope of the excavation, to ensure that the sites can be revegetated after the use.

Proximity to Merced River

None of the actual work sites are adjacent to the Merced River.

Related Issues - Other Temporary Borrow Sites in County:

Since the reconstruction work has started in the canyon, there have been many informal inquiries made to the Planning Department regarding other borrow sites in Mariposa County. These sites are not located in the Merced River Canyon. The property owners have asked if they would be able to supply materials for reconstruction work in the canyon. None of these sites have approved mining permits, reclamation plans and financial assurances.

Recommended Action

Staff recommends that the Board provide staff with direction regarding these other potential borrow sites, relative to zoning and SMARA issues.

Conclusion:

This item is being brought before the Board as an emergency item to facilitate reconstruction and repair work in the Merced River Canyon. Should you have any questions regarding these issues, please contact us.
LOCATION MAP

PROPOSED BORROW SITE (TEMPORARY)

PROPERTY OWNER: FISCHER, ET AL.

(YOSEMITE MOTELS)

APN: 006-060-018