

97-210

DEPARTMENT: Planning By: Jay Pawlek, Associate Planner Phone: 966-5151

RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes___ No_X_)

Adoption of a resolution adopting a Mitigated Negative Declaration and approving Commercial-Industrial-Manufacturing Plan No. 95-1; Barry Brouillette, applicant; with findings and conditions of development as contained in the attached Resolution.

This action is based upon the Planning Commission's recommendation and Zoning Ordinance standards.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

None.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:


ALTERNATIVES: 1) Deny the application; 2) Revise the project and/or conditions of development.

NEGATIVE ACTION, or taking no action, would result in no CIM Plan adoption.

<p>COSTS: (X) Not Applicable</p> <p>A. Budgeted current FY \$ _____</p> <p>B. Total anticipated Costs \$ _____</p> <p>C. Required additional funding \$ _____</p> <p>D. Internal transfers \$ _____</p> <p>COSTS: () 4/5th Vote Required</p> <p>A. Unanticipated revenues \$ _____</p> <p>B. Reserve for contingencies \$ _____</p> <p>C. Source description: _____</p> <p>Balance in Reserve Contingencies, If Approved: \$ _____</p>	<p>SPECIAL INSTRUCTIONS: List the attachments and number the pages consecutively:</p> <p><u>Memorandum to Board with Attachments:</u></p> <p><u>1. Draft Board Resolution</u></p> <p><u>2. Planning Commission Staff Report</u></p> <p><u>3. Planning Commission Minutes dated March 21, 1997</u></p>
<p>CLERK'S USE ONLY</p> <p>Res. No.: <u>97-210</u> Ord. No.: _____</p> <p>Vote - Ayes: _____ Noes: _____</p> <p>Absent: _____ Abstained: _____</p> <p><input type="checkbox"/> Approved <input type="checkbox"/> Denied</p> <p><input checked="" type="checkbox"/> Minute Order Attached <input type="checkbox"/> No Action Necessary</p> <p>The foregoing instrument is a correct copy of the original on file in this office.</p> <p>Date: _____</p> <p>ATTEST: _____</p> <p>MARGIE WILLIAMS, Clerk of the Board</p> <p>By: _____</p> <p>Deputy</p>	<p>ADMINISTRATIVE OFFICER'S RECOMMENDATION: This item on agenda as:</p> <p><input checked="" type="checkbox"/> Recommended</p> <p><input type="checkbox"/> Not Recommended</p> <p><input type="checkbox"/> For Policy Determination</p> <p><input type="checkbox"/> Submitted for Comment</p> <p><input type="checkbox"/> Returned for Further Action</p> <p>Comment: _____</p> <p>_____</p> <p>A.O. Initials: <u>[Signature]</u></p>

MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: ED JOHNSON, Planning & Building Director
FROM: MARGIE WILLIAMS, Clerk of the Board 
SUBJECT: COMMERCIAL-INDUSTRIAL-MANUFACTURING PLAN NO. 95-1;
RES. 97-210

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on May 27, 1997

ACTION AND VOTE:

10:32 a.m. Ed Johnson, Planning & Building Director;

A) PUBLIC HEARING to Consider Commercial-Industrial-Manufacturing Plan No. 95-1; Barry Brouillette, Applicant

BOARD ACTION: Jay Pawlek, Associate Planner, presented staff report, and advised of the additional changes requested by the applicant following the hearing by the Planning Commission. Staff recommended approval of the modifications, with the exception of the request to allow expansion of up to five units (conversion from single to duplex) at the discretion of the Planning Director and the request to allow potential development of up to three fourplex units in the vicinity of the main lodge (not to increase the overall number of units).

Staff responded to questions from the Board relative to the applicant's requested modifications; location of the structures and foundations from the creek and drainages; location of the existing cabins in relation to the proposed development; location and size of the duplex structures; relocation of the sign and compliance with the County's policy; improvements to the encroachment and addition of a bridge across Bear Creek; 16% versus 18% grade for part of the interior roadway and the County's policy; and whether the applicant would be required to comply with any new regulations or changes that may occur during the seven years recommended to be given to complete the project.

Public portion of the hearing was opened and input was provided by the following:

Barry Brouillette, applicant, advised that he is in agreement with staff's recommendations; and he responded to questions from the Board relative to converting the existing sign from a pole mount to a monument mount, and building the cabins on the steep terrain and leaving natural environment at the bottom and whether this creates more exposure to fire danger.

Public portion of the hearing was closed and Board commenced with deliberations. (M)Pickard, (S)Parker, to approve the project. Further discussion was held concerning the road grade and allowing seven years for completion of the project. Staff responded to additional questions from the Board relative to staff recommendation to allow an 18% grade. Supervisor Parker withdrew his second to the motion, and the motion was

seconded by Supervisor Reilly. Ayes: Reilly, Pickard; Noes: Balmain, Stewart, Parker. Motion failed. Following further deliberation, (M)Parker, (S)Balmain, Res. 97-210 adopted approving a Mitigated Negative Declaration and Commercial-Industrial-Manufacturing Plan No. 95-1 with findings and conditions of development; approving modifications as recommended by staff with the exception of the road grade which shall be allowed at 16% grade, and reducing the timeline completion period for the project to four and one-half years. It was noted that the applicant could request an extension. Ayes: Reilly, Balmain, Stewart, Parker; Noes: Pickard. Hearing was closed.

cc: File

MARIPOSA COUNTY BOARD OF SUPERVISORS
RESOLUTION NO. 97- 210

A RESOLUTION APPROVING
COMMERCIAL-INDUSTRIAL-MANUFACTURING (CIM) PLAN NO. 95-1

WHEREAS, an application for a Commercial-Industrial-Manufacturing (CIM) Plan to expand a 6 unit motel complex to 51 lodging units, a store, deli, lobby, laundry, and managers apartment has been submitted to the County; and

WHEREAS, the development site is in the Resort Commercial (CR) Zone and approval of the CIM Plan by the Planning Commission and Board of Supervisors is mandated by Chapter 17.84 of County Code; and

WHEREAS, the Board of Supervisors is responsible for reviewing the proposed CIM Plan and for the approval or denial of the proposed CIM Plan; and

WHEREAS, the Planning Commission has reviewed the CIM Plan for compliance with the Mariposa County Zoning Ordinance and other applicable County regulations and standards and recommended to the Board of Supervisors conditional approval of the requested CIM Plan; and

WHEREAS, the Board of Supervisors has conducted an environmental review on the amendment in accordance with the California Environmental Quality Act; and

WHEREAS, the Planning Commission and Board of Supervisors have held duly noticed public hearings on the matter in accordance with County Code and State Law and have considered all input, written and verbal, delivered to the Commission and Board.

NOW THEREFORE BE IT RESOLVED, that the Mariposa County Board of Supervisors hereby adopts a Mitigated Negative Declaration for the project and approves Commercial-Industrial-Manufacturing Plan No. 95-1 with conditions as listed in Exhibit A.

BE IT FURTHER RESOLVED: this action is based upon the findings stated in Exhibit B and the recommendations of the Planning Commission.

PASSED AND ADOPTED by the Mariposa County Board of Supervisors on this 27th day of May, 1997 by the following vote:


AYES: Reilly, Balmain, Stewart, Parker

NOES: Pickard

ABSTAINED: None

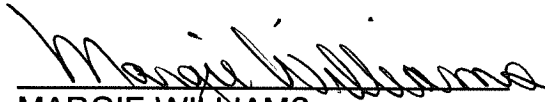
EXCUSED: None

NOT VOTING: 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

EXHIBIT A: CONDITIONS OF APPROVAL

1. The Commercial, Industrial, Manufacturing Plan is approved for the development and operation of a 51 unit lodging facility. It includes the development of 26 new single unit cabins (approximately 616 sq.ft. each), 7 new double unit cabins (approximately 1,440 sq.ft. each), a new store/deli/lobby/laundry/manager's apartment building with 6 lodging units underneath (approximately 4,500 sq.ft.), 6 existing lodging units in two buildings, a pool, a new bridge from Highway 140, sewer and water facilities, and 10 - 2,500 gallon water storage tanks. Expansions of up to 10% of square footage may be approved by the Planning Director, no expansion in the number of lodging units is permitted through this 10% expansion. Small buildings for storage or maintenance purposes may be approved by the Planning Director subject to meeting the conditions of approval. The project shall be developed in accordance with the approved plans; any deviation from the approved plans shall be reviewed and approved by the Planning Director, in accordance with the conditions of approval, prior to any modification being made. The project shall be completed within 4½ years of approval of the CIM Plan.
2. Prior to issuance of a Certificate of Occupancy to any building available for overnight accommodations, the applicant shall apply for and receive a Transient Occupancy Tax Certificate from the County Tax Collector.
3. An encroachment permit, issued by Caltrans, shall be required to perform work within the State right of way. The existing 3-lane highway shall be restriped for a left-turn pocket in accordance with all Caltrans requirements. Sight distance shall meet Caltrans standards.
4. The access driveways shall be improved to a Rural Class I SRA standard. All access driveways shall be oiled (2-9' travel lanes with an oiled surface). Engineered plans shall be required for the Bear Creek crossing. The plans shall be prepared by a Registered Civil Engineer and be approved by the Planning Director prior to commencement of construction work on the required driveway improvements.
5. A 40' radius turnaround or hammerhead turnaround shall be provided at the terminus of all access driveways to CDF and County Fire standards (parking areas may be utilized for turnarounds, subject to CDF, County Fire, and Planning Director approval).
6. No driveway grade shall exceed 16%.
7. All driveways shall be maintained in their required form at all times.

8. A pedestrian circulation system shall be developed on the project site. This circulation system may incorporate a combination of pathways associated with driveways, as well as paths not associated with driveways. The applicant shall submit a pedestrian circulation plan to the Planning Director for review and approval prior to issuance of a Certificate of Occupancy to any of the lodging buildings. This plan shall designate the pathway locations as well as methods of surfacing and erosion control mechanisms. This system shall connect on-site units to applicable parking areas and to the main building.
9. Weed abatement along driveways and brush clearance around structures shall be completed annually to CDF standards.
10. The project shall meet all standards of PRC 4290 and any requirements of the State Fire Marshall's Office regarding commercial structures. All required storage capacities may be increased by the State Fire Marshal's Office in order to satisfy Commercial Building water flow requirements. All new structures shall meet all pertinent sections of the National Fire Protection Association and Uniform Fire Code standards for such facilities. A 2½" gate valve shall be attached to the water storage tanks to CDF and County Fire standards. Final location, size, and color of water tanks shall be reviewed by the Planning Director for Scenic Highway issues, prior to tank installation.
11. A standpipe shall be provided to the pool to CDF and County Fire standards.
12. All construction, including buildings, driveways, parking areas, water and sewer lines, etc. shall be located a minimum of 25 feet from all property lines and a minimum of 55 feet from the centerline of Highway 140 (this condition shall not apply to the new bridge and main access from Highway 140 to the main building). The applicant shall either merge APN's 008-170-065 and 008-170-081 or complete a lot line adjustment to modify property boundaries to satisfy this condition prior to issuance of a Certificate of Occupancy for the uses served by the facilities on APN 008-170-081.
13. No construction or grading shall occur within 50' of the centerline of Bear Creek or within 25' the centerline of the unnamed drainage (this condition shall not apply to the main access road from Highway 140 to the main building, the crossing of the minor drainage by the access road, and the location of pier footings within 25' of the unnamed drainage).
14. Prior to issuance of a Certificate of Occupancy for the project, wastewater disposal systems shall be designed and installed in accordance with the County Health Department's and Regional Water Quality Control Board specifications and requirements.

15. Prior to issuance of a Certificate of Occupancy to the project, the applicant shall apply for and receive a domestic water supply permit from the State Department of Health Services/Drinking Water Field Operations Branch. Verification of the domestic water supply permit shall be submitted to the Planning Director.
16. The applicant shall obtain a Food Facilities Handlers Permit from the County Health Department for all kitchen and cooking facilities.
17. The applicant shall provide adequate facilities for solid waste disposal and shall remove all solid waste from the project site a minimum of once weekly during operation of the lodging facility.
18. No construction or grading activities shall be permitted outside of areas approved for development by this CIM Plan, without further approval by the required approval authority.
19. Prior to issuance of a Building or Grading Permit the applicant shall provide verification from a qualified Archaeologist that facilities proposed to be constructed on the project site will not impact cultural resources. The Planning Director may require modification of the project or incorporation of measures to eliminate any potential impact.
20. A minimum of 52 parking spaces shall be provided on-site. Parking shall be prohibited outside of designated spaces. Parking shall be prohibited along roadways.
21. Prior to issuance of a Building or Grading Permit the applicant shall submit an engineered grading plan which clearly shows the location, height, and slope of cut and fill areas. Cut slopes and fill slopes greater than 10 vertical feet shall be prohibited. The Planning Director shall review this plan for Scenic Highway issues and may require the use of retaining walls or other design methods to reduce visual impacts.
22. All parking areas shall be oiled and shall be maintained in this condition at all times. All parking spaces shall have a minimum area of 9 feet by 19 feet. No parking shall be permitted in any area other than designated parking areas. All on-site roadways shall be posted no parking.
23. Parking lot screening and shading shall be completed in compliance with Section 17.336.060.C.6 of the County Zoning Ordinance. Intervening landscaping shall be provided between every 6 parking spaces. Where feasible and desirable, as determined by the project applicant and the Planning Director, native trees shall be utilized in parking lot shading.

24. All new utilities, which are visible from Highway 140 shall be located underground.
25. All structures shall be sided in wood, or a wood look alike material (approved by the Planning Director), and shall be painted in natural tones. All roofing materials shall be non-reflective and of natural tone. Prior to issuance of a building permit the applicant shall submit for the review and approval of the Planning Director a color palette which shows the siding, roofing, and trim materials and colors on all buildings.
26. Prior to issuance of a building or grading permit, the applicant shall submit for review and approval by the Planning Director a screening plan for the main parking area. The plan shall incorporate screening at a variety of heights to help to reduce the visibility of this area from Highway 140.
27. Prior to issuance of a building or grading permit, the applicant shall submit a tree preservation and replacement plan. The plan shall identify the size, type and location of trees to be removed and the location for planting of replacement trees. Trees in excess of 12 inches in diameter at 4 feet in height shall be replaced at a 4 to 1 ratio. Trees shall be replaced with 5 gallon or larger trees of the same or similar type. Provisions for irrigation of newly planted trees shall be provided. Replacement trees shall be planted in locations to provide screening of the development from the Highway.
28. All trees used for screening, landscaping, or replacement shall be maintained in a healthy condition for the duration of the project. Dead trees shall be replaced with trees of the same or similar type.
29. All on-site external lighting fixtures shall be of a hooded type, shall produce the minimum amount of light necessary to complete its intended function, and shall direct light only onto the project site. The applicant shall submit an outdoor lighting plan to the Planning Director for review and approval prior to issuance of a Building or Grading Permit.
30. A maximum of 50 sq.ft. of signage (a double sided sign shall be counted only once for square footage purposes) shall be located on the subject property. All signage shall be of a monument type and shall not exceed 6 feet in height.
31. Prior to issuance of a Grading Permit an Erosion and Sediment Control Plan, prepared in accordance with Section 15.28.120 of County Code, shall be prepared by the applicant and approved by the Planning Director.
32. Should the Zoning Ordinance regulations related to CIM Plans be amended or deleted, any amendments to this CIM Plan shall be processed in accordance with the new Zoning Ordinance requirements.

EXHIBIT B: FINDINGS FOR APPROVAL

1. "That adequate open space is being provided"

The proposed lodging use involves the development of approximately 25,000 square feet of building space and disturbance of approximately 5% of the 38 acre parcel. At completion a total of 51 units will be permitted on the site. The majority of the parcel will remain in its natural state. Based upon these densities the project will provide for adequate open space.

2. "That the site is physically suited for the proposed development"

The scenic nature of the site, along with its large size, areas with relatively gentle terrain, and good highway access make the site physically suitable to the proposed project. The proposed conditions to provide for adequate vehicular and fire access as well as potable water, water storage, and septic disposal will insure that the site is suitable for the intensity, type, and density of the proposed project.

3. "That adequate provisions have been made for sewage disposal and handling of solid waste"

The enforcement of County Health Department standards and the proposed conditions of approval will insure that sewage and solid waste disposal are handled adequately.

4. "That the proposed development will have adequate potable water for public use and fire protection"

The enforcement of State public drinking water standards, County standards, and CDF's recommended conditions will insure that adequate water is available for drinking and fire purposes.

5. "That the project complies with all standard and special setback requirements and appropriate buffers have been provided for adjacent land uses"

The proposed lodging use is located within a 38 acre parcel. The conditions of approval will provide for a 25 foot minimum property line setback. Special setbacks from Bear Creek and the unnamed drainage have been incorporated into project design.

6. "That appropriate access is available or is proposed to the development"

Access to the site comes directly from Highway 140. The enforcement of Caltrans encroachment permit and improvement conditions and the construction of the new bridge will insure that adequate access is available.

7. "That the proposed use is consistent with the policies and standards of the general plan and any applicable specific plan"

The operation of a lodging facility on the property is a permitted use within the Resort Commercial designation. The development of tourist serving facilities and the preservation of open space provided by this development are consistent with the Goals, Policies, and Standards of the County general plan. Section 3.200.4 provides for "The strengthening of the economic and employment opportunities of Mariposa County through encouragement of appropriate commercial" development.

8. "That the project as approved will not have a significant effect on the environment, or the significant impacts have been eliminated or substantially lessened, or determined that the significant effects are unavoidable and acceptable due to overriding concerns"

As discussed in the attached Initial Study the project will not have a significant effect on the environment upon imposition of the proposed mitigation measures. Based upon the Botanical Survey conducted on the project site the project will not have an adverse impact on wildlife or plant resources and is not subject to the Department of Fish and Game filing fee for the Negative Declaration (AB 3158).

9. The location of the roadway, parking, and infrastructure facilities on a parcel zoned Mountain General is similar to a Guest Ranch which is conditionally permitted within the Mountain General zoning designation. The review process for the CIM Plan is adequate to address issues related to the development of these uses within the Mountain General zone.