

MARIPOSA COUNTY
BOARD OF SUPERVISORS

AGENDA
ACTION FORM

97-231
AGENDA DATE: June 10, 1997
AGENDA ITEM NO.: 7

DEPARTMENT: Planning

By: Jay Pawlek

Phone: 966-5151

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

Staff recommends that the Board of Supervisors deny the request for an extension of the temporary use, based upon the finding that operation of a concrete batch plant from January 1997 to June 1998 does not constitute a temporary use.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

- January 21, 1997 Board approves location of a temporary concrete batch plant on APN 06-040-024 based upon specific findings related to the emergency situation in the Merced River Canyon. The temporary plant was to be removed by June 1, 1997.
- April 29, 1997 Request received from Outback Materials (owner and operator of the temporary batch plant) to extend the timeline for removal of the plant until after the fall of 1997 when road repair work is completed.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

1. Approve the request and require that the plant be non-operational when tourist usage of Highway 140 exists. (Staff has enclosed a draft resolution for this alternative)

COSTS: () 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 with attachments :

1. Draft Board Resolution for Alternative #1
2. Letter from Outback Materials
3. Draft Negative Declaration
4. Initial Study

CLERK'S USE ONLY

Res. No.: 97-231 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 BOARD OF SUPERVISORS

MINUTE ORDER

TO: ED JOHNSON, Planning and Building Director
FROM: MARGIE WILLIAMS, Clerk of the Board *MW*
SUBJECT: TEMPORARY CONCRETE BATCH PLANT; RES. 97-231

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on June 10, 1997

ACTION AND VOTE:

11:17 a.m. Ed Johnson, Planning and Building Director;
PUBLIC HEARING to Consider an Extension of the Timeline for Removal of the
Temporary Concrete Batch Plant Located on APN 040-024 in the Merced River Canyon
BOARD ACTION: Ed Johnson advised that they have focused on procedural aspects of
the application versus substance issues. Jay Pawlek, Assistant Planner, provided staff
report. Staff responded to questions from the Board relative to the inclusion of Yosemite
Motels in the original application for this project and the conditions that were required;
and relative to the use of the products from the plant.

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

Nick Goldman, representing Outback, applicant, said when he first
submitted the application, he thought the emergency process was to get things going and
that the Board would look at it again in June. Most of the work that is remaining is
structural. Outback entered into a contract to furnish material to the government in the
amount of \$650,000, and he does not see a problem with being able to finish the contract
work this winter when the construction project on Highway 140 resumes. He does not
see any visual or environmental impacts with the location of their present site. He stated it
is not unusual for a project to go past one season and they have done that with other jobs
in other parts of the State, and he feels they would be financially damaged if they have to
move the plant to meet the existing contract obligations. Mr. Goldman responded to
questions from the Board relative to his ability to meet the conditions for approval of an
extension; use of the materials being produced in relation to the Park Service's
establishment of another batch plant; status of completion of the contract with the Park
Service; compliance with conditions of the original application; whether they are
producing any additional products that are for sale; and whether they plan to operate the
plant during the summer.

Ron Skelton, El Portal resident, read his letter into the record opposing an
extension to the timeline for the removal of the batch plant; stated he feels a destruction to
the environment and beauty of the area has occurred and he feels better planning needs to
occur. He stated he has seen the trucks access the plant off Highway 140 and he feels this
plant is becoming more than temporary.

Barry Brouillette advised that Yosemite Motels is not opposed to the operation remaining at its present location for another year, with the understanding that it would not operate during the tourist season, with the exception of providing material for Incline Road repairs. He further stated that Outback did not make any provision in their contract with the government for the possibility that the project (Highway 140) would be extended out over a period of time.

Supervisor Reilly noted the receipt of the letter from Jeanne Adams and it was entered into the record.

Rebuttal:

Nick Goldman stated they are not doing anything that will create any lasting affect on the site. He advised that they have had this plant in locations within Yosemite Valley and they were returned to nature upon removal of the operation.

Staff wind-up:

Ed Johnson stated they recognize the economic and environmental reasons for leaving the plant at its present site for another season; however, the State has advised that the issuance of an emergency temporary permit was not appropriate. Staff responded to questions from the Board relative to the status of a contract between Outback and the Park Service; permitting process for another plant being proposed by the Park Service; and permitting process for moving this plant to a site on Park Service property. Mike Edwards, Public Works Director, responded to questions from the Board relative to the use of slurry on the Incline Road project and status of scheduling the work. Staff recommended revisions to the resolution if the Board approved the extension to reflect the shutdown of the operation from Memorial Day to Labor Day and to show Outback as the applicant and not Yosemite Motels.

Public portion of the hearing was closed and Board commenced with deliberations. Staff responded to additional questions from the Board relative to responsibility for meeting the conditions with the change in applicants for the project; and whether there is a process that would allow the applicant to request a permanent operation or a temporary operation for the duration of the Highway project. (M)Balmain, (S)Parker, to grant an extension to June 1998, for the batch plant and approve a negative declaration, and modifying Exhibit "A" conditions to include the shutdown of the plant operation from Memorial Day to Labor Day and to eliminate Yosemite Motels as an applicant, was amended following further discussion. Motion was amended, agreeable with maker and second to include instruction to staff to contact the Park Service to see if another mutually agreeable site could be made available for Outback for this operation, and directing that if such a site becomes available, that the applicant move the operation. Further discussion was held. Motion was further amended, agreeable with maker and second, to include direction to staff to include traffic control to mitigate any access impacts on the Highway/Ayes: Balmain, Parker; Noes: Reilly, Stewart, Pickard. Motion failed. (M)Pickard, (S)Reilly, Res. 97-231 adopted approving the recommendation of staff and denying the request for extension of timeline for the removal of the temporary concrete batch plant/Ayes: Reilly, Stewart, Pickard; Noes: Balmain, Parker. Hearing was closed.

cc: File