

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 Conditional Use Permit No. 255 and Commercial-Industrial-Manufacturing Plan No. 95-1; Yosemite Motels, applicant; with findings and conditions of development as contained in the attached Resolution.

The Planning Commission hearing on this item is scheduled for October 17, 1997. Staff will present the Planning Commission's recommendation at the Board hearing.

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 CUP or CIM Plan adoption.

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 Board with Attachments: _____

1. Planning Commission Staff Report

2. Draft Board Resolution

CLERK'S USE ONLY

Res. No.: 97-409 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: JH

MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: ED JOHNSON, Planning Director

FROM: MARGIE WILLIAMS, Clerk of the Board 

SUBJECT: PUBLIC HEARING TO CONSIDER CONDITIONAL USE PERMIT
NO. 255, COMMERCIAL-INDUSTRIAL-MANUFACTURING PLAN
NO. 97-1; YOSEMITE MOTELS, APPLICANT

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,
ADOPTED THIS Order on October 21, 1997

ACTION AND VOTE:

10:30 a.m. Ed Johnson, Planning Director;
PUBLIC HEARING to Consider Conditional Use Permit No. 255, Commercial-Industrial-Manufacturing Plan No. 97-1; Yosemite Motels, Applicant
BOARD ACTION: Ed Johnson advised that this application was fast-tracked and the applicant paid overtime costs for staff for this service. Staff responded to questions from the Board relative to the appeal process for the Planning Commission's decision. Jay Pawlek, Associate Planner, presented staff report and reviewed the details of the application. Staff responded to additional questions from the Board relative to the location of the previous sand and gravel operation in relation to the project site; issue raised in Jeanne Adams' letter relative to guaranteeing accommodation of Health Department approved waste water disposal for all of the remaining lots not owned by the applicant; issues raised by Barry Brouillette in his letter relative to conditions recommended by Planning; property ownership for parcels in the area; and relative to noticing for this and the Commission's hearing.

Public portion of the hearing was opened.

Applicant's presentation: Art Baggett, representing Yosemite Motels, advised that their landscape architect and structural engineer were present to answer any specific questions. He advised that the proposed project will be a one million dollar construction project during the winter months and they estimate the project will generate \$280,000 in transient occupancy revenue for the County over the next tourist season. He further reviewed specifics of the project, and he requested clarification and reconsideration of the following requests: 1) condition No. 33 - that they be allowed to get a grading permit prior to the issuance of a building permit; and 2) condition No. 28 - they would like to be able to obtain a building permit for building No. 7 prior to having the lot line adjustment and parcel merger finalized. He stated they do not feel they have any authority to guarantee sewer hook-ups as requested by Jeanne Adams, and they are working with Caltrans on the encroachment improvements. He responded to question from the Board relative to application for set-back.

There was no further public input. Staff responded to questions from the Board relative to clarification of the conditions and replacement housing for the mobile homes that are being removed with the construction of this project. Public portion of the hearing was closed and Board commenced with deliberations. Staff responded to additional questions from the Board relative to the purpose of developing a transit plan for use of the Park, and whether this would be required for future projects. (M)Balmain, (S)Parker, Res. 97-409 adopted approving a Negative Declaration with mitigation measures on the project; and approving Conditional Use Permit No. 255 and Commercial, Industrial, Manufacturing Plan No. 97-1 with the recommended finding and conditions and including the changes in Condition Nos. 28 and 33 as requested/Ayes: Balmain, Stewart, Parker, Pickard; Excused: Reilly. Hearing was closed.

cc: File

**MARIPOSA COUNTY BOARD OF SUPERVISORS
RESOLUTION NO. 97-409**

**A RESOLUTION APPROVING
CONDITIONAL USE PERMIT NO. 255 /
COMMERCIAL-INDUSTRIAL-MANUFACTURING PLAN NO. 97-1
(APN'S 006-040-003 AND 024)**

YOSEMITE MOTELS, APPLICANT

WHEREAS, an application for a Conditional Use Permit (CUP) and Commercial-Industrial-Manufacturing (CIM) Plan to construct two (2) motel buildings (64 and 36 units each) and construct 140± parking spaces; and has been submitted to the County; and

WHEREAS, Section 17.08.210 of County Code permits concurrent processing of multiple applications and requires that the concurrently processed applications be acted upon by the approval authority that has the highest jurisdiction among those reviewing the multiple applications; and

WHEREAS, the development site is in the Town Planning Area (TPA) and Resort Commercial (CR) Zones and approval of the project by the Board of Supervisors is mandated by Section 17.84 and Section 17.08.210 of County Code; and

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

WHEREAS, the Planning Commission has reviewed the CUP and 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 CUP and 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 CONDITIONAL USE PERMIT NO. 255 / COMMERCIAL-INDUSTRIAL-

MANUFACTURING PLAN NO. 97-1 with the conditions of development as stated in Exhibit A of this resolution.

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 21st day of October, 1997 by the following vote:

AYES: Balmain, Stewart, Parker, Pickard

NOES: None

ABSTAINED: None


EXCUSED: Reilly

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 Use Permit is approved for the development of two lodge buildings containing 64 and 36 units. The buildings are to be a maximum of 40' by 336' and 40' by 172'. A minimum of 100 parking spaces are to be provided. The buildings are to be constructed as shown on the approved plans, including roofing, siding, coloration, and design features. Landscaping is to be provided in accordance with the approved conceptual landscaping plan. The project includes the development of a Caltrans approved left-hand turn lane. All site work and grading shall be completed in accordance with the approved plans and project description. Minor expansions, up to 10% of square footage (but no expansion in the number of lodging units) may be approved by the Planning Director, in accordance with the conditions of approval.
2. Trees used in landscaping shall be a minimum of 15 gallons in size, shrubs used in landscaping shall be a minimum of 5 gallons in size.
3. Mechanical and electrical equipment shall be screened from view from Highway 140 and adjoining parcels.
4. All utilities, with the exception of propane storage tanks, shall be located underground.
5. Refuse storage areas, dumpsters, and propane tanks shall be screened from view from Highway 140 and adjoining parcels.
6. All lighting shall be designed and located so as to confine lighting directly on the premises and shall not shine light upon other properties or roadways adjacent to or in the vicinity of the project site. A light source shall not shine upon or illuminate directly on any surface other than the area required to be lighted. Prior to issuance of a Building Permit (other than grading) the applicant shall submit for review and approval by the Planning Director a lighting plan showing the design and location of all exterior lights.
7. The applicant for the motel shall develop and implement a transit plan to educate and encourage guests to use any available transit service to and within Yosemite National Park. Additionally, an area for transit services that can pick up and drop off motel guests shall be provided on-site, and shall be reserved for such use. The Planning Director shall review and approve the transit plan and site plan of the motel.
8. All two-way driveways shall be a minimum of 18' wide, all one-way driveways shall be a minimum of 12' wide. All driveways and parking areas shall be paved.

9. Prior to issuance of a Building or Grading Permit the applicant shall submit evidence that the project site will be served by the National Park Service Wastewater treatment plant in El Portal.
10. 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.
11. The project shall meet all standards of PRC 4290, PRC 4291, Mariposa County Fire, and any requirements of the State Fire Marshall's Office regarding commercial structures. Storage capacities shall be as required by the State Fire Marshall's Office or County Fire 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. Roof access shall be provided by a fixed ladder, and 3' by 3' locked hatch above each stairway serving the top floor.
12. Prior to issuance of a Building Permit, the applicant shall contact the fire department for verification of current fire protection development requirements.
13. Prior to issuance of a Building Permit (other than grading) the water system for the project shall be reviewed and approved by County Fire. The approved water system shall be operational and approved by County Fire prior to framing construction.
14. Prior to issuance of a Building Permit (other than grading) all flammable vegetation shall be removed from each building site a minimum distance of thirty (30) feet from any flammable building material, including finished structure. This condition shall not apply to vegetation proposed to remain as finished site landscaping.
15. Prior to issuance of a Certificate of Occupancy approved fire hydrants and fire hydrant pavement markers shall be installed and approved by County Fire. Prior to issuance of a Building Permit (other than grading) County Fire shall review and approve fire protection measures to be used during construction.
16. Prior to issuance of a Certificate of Occupancy, an automatic fire extinguishing system is required for the entire Building #6 and the entire Building #7.
17. The design of this project shall incorporate all of the structural design recommendations of the engineered hydraulic analysis. Propane storage tanks shall be secured to withstand flood flows and located away from the river channel.

18. **Yosemite Motels shall implement a Flood Warning and Evacuation Plan for this project. The Plan shall identify specific means to determine imminent flood hazards to the project premises, to notify employees and tourists, and to effectuate the actual evacuation of employees and tourists. The Plan shall be reviewed and approved by the Mariposa County Planning Department, and shall also be coordinated with the National Park Service Flood Plan and Early Warning System as appropriate. The Plan shall identify specific persons or employees in charge or responsible for the specific duties identified in the Plan. At least one responsible person or employee shall be on the project premises at all times. The Plan shall include an information posting requirement for all rooms to advise of flood hazards and to clearly describe procedures to follow in case of a flood emergency.**
19. **Prior to issuance of a Building or Grading Permit the 11 Tompkins sedge plants (sites A and D as shown on the project botanical survey) contained within the Building footprints shall be transplanted to the designated relocation area. Transplanting shall occur under the supervision of a qualified biologist and with appropriate permits from the Department of Fish and Game. The designated relocation area shall be posted with a sign stating "sensitive habitat do not disturb". This sign shall be maintained intact for the life of the project.**
20. **Prior to issuance of a Building or Grading Permit the 6 Tompkins sedge plants (site C as shown on the project botanical survey) within the project site shall be transplanted to the designated relocation area. Transplanting shall occur under the supervision of a qualified biologist and with appropriate permits from the Department of Fish and Game. The designated relocation area shall be posted with a sign stating "sensitive habitat do not disturb". This sign shall be maintained intact for the life of the project.**
21. **Prior to issuance of a Certificate of Occupancy a Conservation Easement shall be recorded affecting the Tompkin's sedge habitat on the south side of the Merced River and on the north side of Highway 140 as shown on the Conservation Easement Map on file with the Mariposa County Planning Department. Utilities shall be permitted within this easement where they do not negatively impact Tompkin's sedge plants. The form and content of the Easement shall be reviewed and approved by the Planning Director prior to recordation.**
22. **All exposed and/or disturbed soils created by grading activities for this project shall be watered down or suppressed during grading operations to reduce the generation of fugitive dust. During non-grading periods, all stockpiles of debris, soil, sand, or other materials shall be protected from wind erosion.**
23. **All existing trees, which are to remain, within the construction area shall be protected by temporary fencing during all grading and construction activities.**

24. No construction or grading work shall commence on the project site prior to issuance of appropriate permits from the Mariposa County Building Department.
25. All on-site signage shall comply with County Code requirements for the Resort Commercial designation. The sign plan shall be reviewed and approved by the Planning Director.
26. Prior to issuance of a Grading Permit a Sediment Control Plan, in accordance with County Code, shall be reviewed and approved by the Planning Director.
27. Prior to issuance of a Grading Permit a Stormwater Drainage Permit shall be issued by the State Water Resources Control Board.
28. Prior to issuance of a Building Permit, other than grading and Building #7, Lot Line Adjustment No. 541 and Parcel Merger No. 9/19/96 shall be finalized.
29. Prior to issuance of a Certificate of Occupancy to any building, the applicant shall either merge all underlying legal parcels or record an agreement insuring that adequate facilities, including parking, open space, pathways, driveways, utilities, etc., will be available to all motel buildings.
30. Prior to issuance of a Certificate of Occupancy to any phase of the project including overnight accommodations, the applicant shall apply for and receive a Transient Occupancy Tax Certificate from the County Tax Collector.
31. Building #7 shall incorporate similar design features to Building #6, including gables at stairs, building materials, roof lines, etc.
32. Prior to issuance of a Building Permit, other than grading, the applicant shall submit for review and approval by the Planning Director landscape plans. The landscape plan shall retain the existing natural vegetation buffer between Highway 140 and Building #7. Landscaping shall be provided between every 6 parking spaces. Heavy landscaping shall be provided between Highway 140 and Building #6. Prior to issuance of a Certificate of Occupancy landscaping shall be installed in accordance with the approved landscape plans.
33. Prior to issuance of a Certificate of Occupancy, a Caltrans encroachment permit shall be issued and finalized for construction of the new left hand turn lane.
34. All fill areas shall result in natural slopes (landform grading). This shall include, but not be limited to the use of multiple slope ratios, drainage devices placed on graded slopes as inconspicuously as possible, and landscape plantings and design utilized to obscure the linearity and regularity of slopes.

35. **Prior to issuance of a Certificate of Occupancy all fees associated with the processing of the application shall be paid.**

EXHIBIT B: FINDINGS

1. **"That adequate open space is being provided".**

All parcels within the project site are proposed to contain a minimum of 40% open space in conformance with the requirements of the Resort Commercial designation.

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

The project site is gentle to moderate in slope. The majority of the project site has previously been disturbed. Access to the project site is direct from Highway 140. Issues related to the location of the project site within the Merced River Floodplain are addressed through the required construction methods.

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

Sewage disposal will be provided by the existing National Park Service El Portal Wastewater Treatment Plant. Adequate area on-site exists to locate solid waste disposal facilities. The conditions applied to the project address screening of solid waste disposal areas.

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

The project will connect into the existing Yosemite View Lodge potable and fire protection water system. Provision of adequate potable water will be required by the State Department of Health Services prior to occupancy of the buildings. Provision of adequate water for fire protection will be required by the State Fire Marshall prior to occupancy of the buildings.

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

The project complies with the setback standards of the County Zoning Ordinance. The usage of landscaping along the Highway 140 area will insure an adequate buffer between the project site and the Highway. The project site is located adjacent to properties within the Town Planning Area (TPA) designation. This designation is intended for the development of the area to town densities. The project setbacks are consistent with this intention.

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

The project site has direct access from Highway 140 and will be served by two highway encroachments with left hand turn lanes. Comments from Caltrans indicate that this will provide for adequate and appropriate access.

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

The project site is located within the Town Planning Area and Resort Commercial designations. These designations are intended for development of commercial uses. The project complies with the standards of the Open Space Element through the provision of a minimum of 40% open space on each parcel.

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 Initial Study prepared for the project, the project will not result in significant effects on the environment with the imposition of the specified mitigation measures.

9. "That the establishment, maintenance, or operation of the use applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the county".

The project site is located within the El Portal Town Planning Area and is generally surrounded by open space and commercial uses. The project is consistent with these uses and will not be detrimental to health, safety, morals, comfort, and general welfare.

10. Based upon the Botanical Survey prepared for the project and the imposition of conditions and mitigation measures related to the rare plant species located 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).