MARIPOSA COUNTY
BOARD OF SUPERVISORS
DEPARTMENT: Planning

AGENDA ACTION FORM

DATE: November 10, 2008

BY: Sarah Williams, Deputy Director

PHONE: 742-1215

RECOMMENDED ACTION AND JUSTIFICATION:

Adopt resolution correcting a clerical error in the square footage of the main hotel and
lodge structure for the Silver Tip Resort Village project.

Justification for the recommended action is provided in the Staff Report to Board of
Supervisors from John B. Anderson, Consulting Planner.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

See history of project section in the Staff Report to Board of Supervisors

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

There are no identified alternatives.

Negative action, or not approving the clerical error, will result in a situation where there is
discrepancy between the approved project and the tables in the adopted resolutions.

Financial Impact? ( ) Yes (X) No
Budgeted In Current FY? ( ) Yes ( ) No ( ) Partially Funded
Amount in Budget: $5
Additional Funding Needed: $8

Source:
Internal Transfer
Unanticipated Revenue
Transfer Between Funds
Contingency
( ) General ( ) Other

Annual Recurring Cost: $8

Staff Report to the Board with 4 attachments
(attachments are as listed on Page 4 of the Staff Report)

COUNTY ADMINISTRATIVE OFFICER:

Requested Action Recommended
No Opinion

Comments:

The foregoing instrument is a correct copy of
the original on file in this office.

Date: ___________________________

Attest: MARGIE WILLIAMS, Clerk of the Board
County of Mariposa, State of California

By: _____________________________

Deputy

CAO: ___________________________
COUNTY of MARIPOSA
P.O. Box 784, Mariposa, CA 95338 (209) 966-3222

LYLE TURPIN, CHAIR
DIANNE A. FRITZ, VICE CHAIR
BRAD ABDON
JANET BIBBY
BOB PICKARD

DISTRICT II
DISTRICT IV
DISTRICT I
DISTRICT III
DISTRICT V

MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: KRIS SCHENK, Planning Director
FROM: MARGIE WILLIAMS, Clerk of the Board

SUBJECT: Adopt a Resolution Correcting Clerical Error Associated with the Approved Silver Tip Resort Village Project, Relative to Allowed Square Footage for the Main Hotel and Lodge Structure. The Project Site is Located at the Intersection of Highway 41 and Fish Camp Lane in Fish Camp; APN’s 010-550-035, 010-550-054, 010-550-056 and 010-550-057. Property Owner: PacificUS Real Estate Group.

RESOLUTION 08-528

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on November 10, 2008

ACTION AND VOTE:

Kris Schenk, Planning Director;
Adopt a Resolution Correcting Clerical Error Associated with the Approved Silver Tip Resort Village Project, Relative to Allowed Square Footage for the Main Hotel and Lodge Structure. The Project Site is Located at the Intersection of Highway 41 and Fish Camp Lane in Fish Camp; APN’s 010-550-035, 010-550-054, 010-550-056 and 010-550-057. Property Owner: PacificUS Real Estate Group.

BOARD ACTION: Discussion was held with Kris Schenk and he clarified that the square footage should be 112,560 throughout the staff report. (M)Pickard, (S)Fritz, Res. 08-528 was adopted correcting the clerical error associated with the square footage for the Silver Tip Resort Village project to reflect 112,560 throughout the documents and the Notice of Exemption/Ayes: Unanimous.

Cc: File
WHEREAS the Planning Director was officially notified by the property owner, PacificUS Real Estate Group (PacificUS), on September 23rd, 2008 of the need to seek clarification of the total allowable square footage for the proposed hotel structure for the Silver Tip Resort Village Project; and

WHEREAS PacificUS reports that their original application correctly stated the building footprint area for the hotel structure would be 28,140 square feet including 137 suites or rooms (units) to be built in a four story structure, but incorrectly referenced a total hotel structure square footage of 85,115; and

WHEREAS Planned Unit Development Permit No. 99-01 and Conditional Use Permit No. 267 were conditionally approved by the Mariposa County Board of Supervisors with findings and conditions on December 2, 2003 by Resolution No. 03-444 and Resolution No. 03-445; and

WHEREAS several tables in the Mariposa County Board of Supervisors' approval of December 2nd, 2003 including Attachment A of Exhibit 4 of the Board Resolution No. 03-444 and Attachment A of Exhibit 5 of the Board Resolution No. 03-445, stated the total square footage of the proposed hotel and lodging structure to be 85,115; and

WHEREAS the Board of Supervisors adopted Resolution No. 03-442 on the 2nd day of December 2003 certifying the EIR for the Silver Tip Resort Village Project and adopting findings, a Mitigation Monitoring and Reporting Program, and Statements of Overriding Conditions; and

WHEREAS the Draft and Final EIR for the Silver Tip Resort Village correctly evaluated the full impacts of the proposed project including water, sewer, storm drainage, traffic, aesthetics, cultural and environmental issues and concerns associated with the proposed 4-story, 137-unit hotel structure regardless of the total square footage referenced in table 2-1 of the Draft EIR; and

WHEREAS the proposed action to correct the total allowable square footage of the hotel and lodging structure is considered a clerical error and does not meet the definition of
a “Project” as defined by CEQA Section 21065 of the Public Resources Code, State of California and does not require additional review under the statute.

WHEREAS review and action on this item was scheduled for the Board of Supervisors at their meeting on the 10th day of November 2008; and

WHEREAS the Board of Supervisors did hold a public meeting on the 10th day of November 2008 and considered all of the information in the public record, including the Staff Report packet and the memorandum to the Board of Supervisors from Mariposa Planning dated the 4th day of November, 2008.

NOW THEREFORE, BE IT RESOLVED THAT the Board of Supervisors of the County of Mariposa does hereby approve the clerical correction to the total allowable square footage of the proposed hotel and lodging structure to accurately reflect 112,560 square feet in any and all documents published for the Silver Tip Resort Village Project, including but not limited to Attachment A of Resolution No. 03-444 and Attachment A of Resolution No. 03-445 as illustrated in Exhibit 1 of this Resolution.

BE IT THEREFORE FURTHER RESOLVED THAT the County of Mariposa Board of Supervisors has determined it is free to correct its own previous motion, which has been found to contain clerical errors, without a new hearing on the topic.

BE IT THEREFORE FINALLY RESOLVED THAT this action by the Board of Supervisors is based upon the findings set forth in Exhibit 2 of this Resolution.

ON MOTION BY Supervisor Pickard, seconded by Supervisor Fritz, this resolution is duly passed and adopted this 10th day of November, 2008 by the following vote:

AYES: Aborn, Turpin, Bibby, Fritz, and Pickard

NOES: None

EXCUSED: None

ABSTAIN: None

Lyle Turpin Chairman
Mariposa County Board of Supervisors

Attest:

Margie Williams, Clerk of the Board
Mariposa County Board of Supervisors

Approved as to Legal Form:

Jeffrey G. Green
Interim County Counsel
EXHIBIT 1 – PROJECT DESCRIPTION

The strike-thru text shows text which is deleted by this correction action, and the underlined italicized text shows text which is added by this correction action.

<table>
<thead>
<tr>
<th>Project Component</th>
<th>Description</th>
<th>Square Footage (land area disturbed)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hotel and lodging structures</td>
<td>137 guest rooms.</td>
<td>86,145 122,560 sq. ft. (28,140 sq. ft. land area)</td>
</tr>
<tr>
<td>Conference Center</td>
<td>1-story</td>
<td>3,616 sq. ft. (3,616 sq. ft. land area)</td>
</tr>
<tr>
<td>30 Cabins</td>
<td>2-stories: 2-3 bedroom units</td>
<td>54,000 sq. ft. (48,880 sq. ft. land area)</td>
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<td>1-story</td>
<td>8,000 sq. ft. (8,000 sq. ft. land area)</td>
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<td>14,000 sq. ft. (14,000 sq. ft. land area)</td>
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<tr>
<td>Residential</td>
<td>Housing for 20 employees above commercial area, within hotel, or cabin footprint</td>
<td>Employee housing (0 sq. ft. land area)</td>
</tr>
<tr>
<td>Tennis Court</td>
<td>1 court</td>
<td>Approximately 4,000 sq. ft. (approximately 4,000 sq. ft. land area)</td>
</tr>
<tr>
<td>Exterior Swimming Pool (including deck area)</td>
<td></td>
<td>Approximately 10,500 sq. ft. (approximately 10,500 sq. ft. land area)</td>
</tr>
<tr>
<td>3 decorative ponds</td>
<td></td>
<td>Approximately 15,000 sq. ft. (approximately 15,000 sq. ft. land area)</td>
</tr>
<tr>
<td>On-site waste water disposal system</td>
<td>Wastewater treatment plant, misc. storage ponds, and leachfield area</td>
<td>As shown within preliminary wastewater disposal plan and on site plan.</td>
</tr>
<tr>
<td>Water tank(s)</td>
<td>Domestic and fire usage</td>
<td>Minimum 410,000 gallons</td>
</tr>
<tr>
<td>Parking, roadways, pathways, utility line extensions, etc.</td>
<td>359 parking spaces</td>
<td>Approximately 202,000 sq. ft. (roadways and parking)</td>
</tr>
<tr>
<td>Associated accessory uses</td>
<td>Pedestrian or bicycle trails, satellite antennae, underground utility lines</td>
<td>May also be located within Residential area</td>
</tr>
</tbody>
</table>
EXHIBIT 2 – FINDINGS OF APPROVAL

1. The correction of the clerical error is in the general public interest, and will not have a significant adverse affect on the general public health, safety, peace, and welfare.

The correction of this clerical error is in the general public interest as it will result in correcting and clarifying the allowable square footage of the proposed hotel and lodging structure for the Silver Tip Resort Village project approved by the Board of Supervisors in December of 2003. The clarification in the allowable square footage does not materially change any of the evaluations made by the Planning Department or other resource or commenting agencies on the project. The entire project was judged on, among other things, the total number of hotel units provided which remains unchanged at 137. The hotel and lodging structure height of four (4) stories, footprint and location on the subject property remains unchanged. Water demand analysis, traffic generation, and all other aspects of the project were based on a total population anticipated with a 137 unit hotel and lodging structure. Impacts associated with the project’s location and height were properly evaluated and discussed in previous public hearings on the topic.

2. The correction of the clerical error conforms to the requirements of state law and county policy.

The processing of this correction is in accordance with all requirements pursuant to state law and county policy. The Board of Supervisors is merely correcting its own motion, which it finds to contain clerical errors.

4. The correction to the clerical error does not involve a change in land use.

The correction to the clerical error does not change the approved land use, configuration of the proposed structures or the impacts previously evaluated by this Board of Supervisors.

5. The correction to the clerical error does not change the original intent of Conditional Use Permit No. 267 or Planned Unit Development Permit No. 99-01.

The approvals associated with the Silver Tip Resort Village Project contain some 90 conditions and 54 mitigation measures. The project proponent will be required to submit evidence that they have complied with each and every one of the special conditions adopted by the Board of Supervisors during their deliberations on the project in 2003. Every aspect of the proposed project will receive a critical review to ensure that all aspects of the project are developed according to the strict standards establish by this Board of Supervisors. The correction to the clerical error does not materially alter any of the prior approvals made by Mariposa County.

6. The correction to the clerical error is exempt from the California Environmental Quality Act pursuant to Sections 15060(c)(1) and 15378(b)(2), CEQA Guidelines.

The resolution corrects a clerical error made during the original approval of the project. The footprint of the approved 4-story hotel structure was always 28,140 square feet; however the table of project components did not show the proper square
footage for the entire structure (calculated by multiplying 4-stories times the approved building footprint or 4 times 28,140 square feet). The Board of Supervisors exercises no discretionary power in the adoption of the resolution to correct the clerical math error. Additionally, the resolution is not a “project” as defined by CEQA as it involves the exercise of purely administrative functions.
BOARD OF SUPERVISOR MEETING
of November 10, 2008

SUMMARY and RECOMMENDATIONS

Application: Correction of a clerical error to the tables and exhibit associated with the total allowable square footage for the Hotel and Lodge Structure, Silver Tip Resort Village – Fish Camp Planned Development No. 99-1 and Conditional Use Permit No. 267, approved by the Board of Supervisors on December 2, 2003.

Location: The project occupies approximately 47.3 acres and is located at the intersection of State Route 41 and Fish Camp Lane in Fish Camp. Assessor's Parcel Numbers: 010-550-035, 010-550-054, 010-550-056 and 010-550-057.

Proponents: PacificUS Real Estate Group

Property Owners: PacificUS Real Estate Group

Recommended Action: Planning Staff recommends the Board of Supervisors adopt a resolution with findings approving the correction to the clerical error as requested

Prepared by,

John B. Anderson
Consulting Planner
Summary Description of Request

On or about August 2, 2006 the Planning Department was advised by PacificUS that a clerical error had occurred during their preparation of the original application for the Silver Tip Resort Village Project. Although the footprint of the proposed 4-story hotel structure was always 28,140 square feet, the size referenced for the main hotel and lodging structure stated a total square footage of 88,115 rather than the true size of 112,460 square feet (4 stories times the building footprint).

On September 23, 2008, the Planning Department received a formal request from Pacific US Real Estate Group to take appropriate action to clarify the error and to have the Board of Supervisors properly correct the administrative record on the matter.

The purpose of this item is to correct the total allowable square footage for the main hotel and lodging structure to reflect a four-story structure with a base footprint of 28,115 square feet for a total allowable square footage of 112,460. There are tables and references throughout the administrative record on this item, which need to be modified to correct this clerical error.

Processing

Mr. William Abbott has been asked to assist the Planning Department in determining the appropriate procedure to correct the clerical mistake. Mr. Abbott’s correspondence on this matter is Attachment 3 to this staff report. In short, Mr. Abbott concurs that there is not a specific procedure to follow with such matters. This item is being presented to the Board as a non-public hearing item according to Mr. Abbott’s stated position. The Board of Supervisors is merely correcting its own prior motion, based on finding that it contained a clerical error.

History of the Project

The Silver Tip Resort project in the community of Fish Camp included applications for a Specific Plan/Zoning Amendment (SP/ZA), a Planned Development (PD), a Conditional Use Permit (CUP), and a Land Division Amendment (LDA). The project was processed with an Environmental Impact Report (EIR).

The Board of Supervisors certified the EIR and approved the above-listed projects by Resolution No. 03-444 (for the CUP), Resolution No. 03-445 (for the PD), Resolution No. 03-446 (for the LDA) and Ordinance No. 1000 (for the SP/ZA). The action date by the Board of Supervisors was December 2, 2003, however the effective dates for the approval of all of the projects in each resolution were tied to the effective date of the Ordinance. The certified publication date for Ordinance No. 1000 was May 12, 2004.
The Silver Tip Resort project was subject to litigation at both Superior Court and Appeals Court. The appeals court case concluded on February 22, 2006.

The Board of Supervisors' actions were upheld by both courts.

Time extensions to the approved tentative parcel map for the LDA, to the activation date for the Planned Development and to the Conditional Use Permit were granted by the Planning Commission on May 18th, 2007.

Finally, a Lot Line Adjustment for the project site was approved by the Planning Director on September 29th, 2006.

**Project Description**

The Silver Tip Resort Village included applications for an amendment to the Fish Camp Town Planning Area Specific Plan, a Planned Unit Development, a Conditional Use Permit, and a Land Division. The project is the development and operation of a resort hotel and conference center which would consist of a four-story, 137-room hotel, conference center, 30 cabins, four small conference centers, a two-story commercial center, eight "shop owner living units," a tennis court, swimming pool, decorative ponds, an on-site wastewater treatment and disposal system, a water system and storage tank(s), and related facilities to serve the proposed development.

The following shows the table of facilities and square footages approved for the project by the Board of Supervisors’ actions. The strike-through text shows text staff recommends to be deleted by this correction action, and the underlined italicized text shows text staff recommends to be added by this correction action.

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Environmental Review

The original projects, as noted, were processed with a full Environmental Impact Report (EIR). The project description has not changed since the EIR was certified.

The action before the Board of Supervisors is only for clarification of allowable square footage of the hotel and lodging structure. The Board of Supervisors is merely correcting a clerical error.

Correcting a clerical error is not subject to California Environmental Quality Act (CEQA).

Staff Recommendation

Following the Board of Supervisors' final action on the project in December of 2003, there were over 2-years time (during litigation) before the applicant had surety that the approved project could be built as approved. It wasn't until February of 2006 that the applicant was guaranteed that time and resources spent on meeting their conditions of approval were not wasted. It is not unusual that a project of this magnitude would require clarifications to implement the full intent of the project. The need for this clerical error correction became apparent upon preparation of detailed architectural and plans.

Staff finds the applicant's request to be reasonable and consistent with the approved project, and supports action to correct the clerical error.

Attachments

1. Vicinity Map
2. Correspondence from Pacific US Real Estate Group dated September 23, 2008
3. Abbott & Kindermann Correspondence dated July 29, 2008
4. Draft Board of Supervisors Resolution
Kris Schenk, Director  
MARIPOSA PLANNING DEPARTMENT  
P.O. Box 2039  
Mariposa, CA  95338-2039

Re:  PacificUS Revisions To CUP 267 and PUD 99-1

Dear Mr. Schenk:

PacificUS Real Estate Group has discovered that it made a clerical mistake when it submitted its application for CUP No. 267 and PUD No. 99-1 relating to the necessary square footage for the main hotel building of the project. The approved entitlements allow for the construction of a four story main hotel structure having a footprint of 28,115 square feet and consisting of 137 hotel rooms. However, at the time the application was submitted, incorrectly noted the total square footage of the main hotel structure to be 85,115 square feet rather than 112,460 square feet, which is the approved 28,115 footprint multiplied by each of the approved four (4) stories.

This error does not impact the environmental analysis previously performed on the project, as the environmental analysis of the main hotel building was based upon the number of lodging units, conference rooms and meals served, not the square footage of the building. For instance, the analysis of water usage of the project considers the per room usage of water for the hotel and per seat usage of water for the restaurant, not the square footage associated with either of these approved uses. (See, Test Pump Report prepared by Boyle Engineering Corporation, AR 4524; Water Recourses Analysis Report prepared by Provost & Pritchard Engineering Group, Inc. AR 4683-4694; Water Demand Calculations, AR 4743.) The analysis of wastewater generated by the project was also based on the number of hotel rooms and other approved uses, not the square footage of the hotel structure. (See, Wastewater Management Plan prepared by Ripley Pacific Company, AR 4876-4907; see also, Geotechnical Engineering Investigation prepared by Krazan & Associates re ground water impacts, AR 4997-4999; Traffic Impact Analysis for Fish Camp Project prepared by VRPA Technologies re daily trips created by the project, AR 516-5173, 5192-5202.)

The discrepancy was not discovered until the Final Site Plan and architectural plans were being developed. In order to provide a four star hotel consistent with the plans and specifications submitted and approved, a total square footage of 112,460 for the main hotel structure is necessary. PacificUS hereby the Board of Supervisors to correct the error and approve a modified CUP and PUD reflecting the correct square footage. The proposed change in square footage for the main hotel structure does not alter the approved site plan or the Final Site Plan that has been submitted to staff. Nor does it
constitute an increase occupied space, but merely allows an increase in unoccupied space
that will be used for staircases, elevators, hallways, etc. The proposed change will not
alter the allowed number of rooms and does not change the footprint or the height of the
project. Nor does the proposed change involve a change in land use or standards of
development. In summation, the proposed modification does not change the
environmental analysis in any manner.

PacificUS asks that Planning Staff take whatever action is necessary to remedy this
clerical error and amend CUP No. 267 and PUD No. 99-1. PacificUS is happy to assist
Staff in any manner.

Very truly yours,

PACIFICUS REAL ESTATE GROUP

[Signature]

Paul J. Giuntini
President

PJG:js

cc: Sarah Williams
   Christopher S. Hall, Esq.
   Thomas Guarino, Esq.
   William Abbott, Esq.
MEMORANDUM

To: William Abbott  
From: Cozi Badgley  
Date: July 29, 2008  
Re: County of Mariposa/Silvertip – Procedures for correcting clerical error

Issue

What procedures should a board of supervisors or its staff use to make a technical correction in the square footage in a permit?

Short Answer

There are no procedures described in case law or statutes on how to correct a clerical error in a permit. However, case law and statutes suggest that the normal hearing and notice requirements are not necessary, and the board may correct its mistake as long as the mistake was merely clerical.

Discussion

Although McQuillan’s Law of Municipal Corporations 3d does not lay out the procedures for correcting a clerical error, it states that “[n]o rehearing is required for the making of minor changes or corrections in a decision or order of the board.” (Id. at 12.274.) California case law supports this conclusion. (See Lassen v. City of Alameda (1957) 150 Cal.App.2d 44, 45-46 [city corrected error in metes and bounds description in a Reclamation District petition]; Toccalino v. Worker’s Compensation Appeals Board (1982) 128 Cal.App.3d 543, 558 [citing rule that appeals board may correct any clerical error without further hearings even if the statute of limitations for filing a motion for reconsideration has passed].)

California statutes also lead to the conclusion that the correction of clerical errors does not require a new hearing. (See Gov. Code, § 11518.5, subd. (d) [“Nothing in this section precludes the [state] agency, on its own motion or on motion of the administrative law judge, from modifying the decision to correct a mistake or clerical error”]; Gov. Code, § 25131 [“corrections of typographical or clerical errors [of a county ordinance] are not alterations within..."
the meaning of this section’’]; Gov. Code, § 36934 [‘‘corrections of typographical or clerical errors [of a city ordinance] are not alterations within the meaning of this statute.’’].

As evidence by the citations referenced above, there is no case or statute directly on point concerning the approval of a permit and corrections made within that permit. However, the general rule that can be implied from the cases and statutes is that a board can correct an error by its own motion, and that correction will be valid without a new hearing. Therefore, no formal procedures are required for correcting the error.

The courts have dealt with the issue of a court correcting a clerical error in a judgment. If you think it would be helpful to look at these cases, let me know.
STATE OF CALIFORNIA  
COUNTY OF MARIPOSA  
BOARD OF SUPERVISORS RESOLUTION  

No. 08–__  

WHEREAS the Planning Director was officially notified by the property owner, PacificUS, on September 23rd, 2008 of the need to seek clarification of the total allowable square footage for the proposed hotel structure for the Silver Tip Resort Village Project; and

WHEREAS PacificUS reports that their original application correctly stated the building footprint area for the hotel structure would be 28,140 square feet including 137 suites or rooms to be built in a four story structure, but incorrectly referenced a total hotel structure square footage of 85,115; and

WHEREAS Planned Development Permit No. 99-1 and Conditional Use Permit No. 267 were conditionally approved by the Mariposa County Board of Supervisors with findings and conditions on December 2, 2003 by Resolution No. 03-444 and Resolution No. 03-445; and

WHEREAS several tables in the Mariposa County Board of Supervisors' approval of December 2nd, 2003 including Attachment A of Exhibit 4 of the Board Resolution No. 03-444 and Attachment A of Exhibit 5 of the Board Resolution No. 03-445, stated the total square footage of the proposed hotel and lodging structure to be 85,115; and

WHEREAS the Board of Supervisors adopted Resolution No. 03-442 on the 2nd day of December 2003 certifying the EIR for the Silver Tip Resort Village Project and adopting findings, a Mitigation Monitoring and Reporting Program, and Statements of Overriding Conditions; and

WHEREAS the Draft and Final EIR for the Silver Tip Resort Village correctly evaluated the full impacts of the proposed project including water, sewer, storm drainage, traffic, aesthetics, cultural and environmental issues and concerns associated with the proposed 4-story, 137-room hotel structure regardless of the total square footage referenced in table 2-1 of the Draft EIR; and
WHEREAS the proposed action to correct the total allowable square footage of the hotel and lodging Structure is considered a clerical error and does not meet the definition of a “Project” as defined by CEQA Section 21065 of the Public Resources Code, State of California and does not require additional review under the statute.

WHEREAS review and action on this item was scheduled for the Board of Supervisors at their meeting on the 10th day of November 2008; and

WHEREAS the Board of Supervisors did hold a public meeting on the 10th day of November 2008 and considered all of the information in the public record, including the Staff Report packet.

NOW THEREFORE, BE IT RESOLVED THAT the Board of Supervisors of the County of Mariposa does hereby approve the clerical correction to the total allowable square footage of the proposed hotel and lodging structure to accurately reflect 112,460 square feet in any and all documents published for the Silver Tip Resort Village Project, including but not limited to Attachment A of Resolution No. 03-444 and Attachment A of Resolution No. 03-445 as illustrated in Exhibit 1.

BE IT THEREFORE FURTHER RESOLVED THAT the County of Mariposa Board of Supervisors has determined it is free to correct its own previous motion, which has been found to contain clerical errors, without a new hearing on the topic.

BE IT THEREFORE FINALLY RESOLVED THAT this action by the Board of Supervisors is based upon the findings set forth in Exhibit 2.

ON MOTION BY Supervisor _________, seconded by Supervisor _________, this resolution is duly passed and adopted this 10th day of November, 2008 by the following vote:

AYES:
NOES:
EXCUSED:
ABSTAIN:

Lyle Turpin Chairman
Mariposa County Board of Supervisors

Attest:

Margie Williams, Clerk of the Board
Mariposa County Board of Supervisors
Approved as to Legal Form:

Jeffrey G. Green
Interim County Counsel
EXHIBIT 1 - PROJECT DESCRIPTION

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<td>85,416 sq. ft.</td>
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<tr>
<td></td>
<td></td>
<td>112,460 sq. ft. (28,140 sq. ft. land area)</td>
</tr>
<tr>
<td>Conference Center</td>
<td>1-story</td>
<td>3,616 sq. ft.</td>
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<td></td>
<td>14,000 sq. ft. (14,000 sq. ft. land area)</td>
</tr>
<tr>
<td>Residential</td>
<td>Housing for 20 employees above commercial area, within hotel, or cabin footprint</td>
<td>Employee housing</td>
</tr>
<tr>
<td></td>
<td></td>
<td>0 sq. ft. land area</td>
</tr>
<tr>
<td>Tennis Court</td>
<td>1 court</td>
<td>Approximately 4,000 sq. ft.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(approximately 4,000 sq. ft. land area)</td>
</tr>
<tr>
<td>Exterior Swimming Pool (including deck area)</td>
<td></td>
<td>Approximately 10,500 sq. ft.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(approximately 10,500 sq. ft. land area)</td>
</tr>
<tr>
<td>3 decorative ponds</td>
<td></td>
<td>Approximately 15,000 sq. ft.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(approximately 15,000 sq. ft. land area)</td>
</tr>
<tr>
<td>On-site waste water disposal system</td>
<td>Wastewater treatment plant, misc storage ponds, and leachfield area</td>
<td>As shown within preliminary wastewater disposal plan and on site plan.</td>
</tr>
<tr>
<td>Water tank(s)</td>
<td>Domestic and fire usage</td>
<td>Minimum 410,000 gallons</td>
</tr>
<tr>
<td>Parking, roadways, pathways, utility line extensions, etc.</td>
<td>359 parking spaces</td>
<td>Approximately 202,000 sq. ft. (roadways and parking)</td>
</tr>
<tr>
<td>Associated accessory uses</td>
<td>Pedestrian or bicycle trails, satellite antennae, underground utility lines</td>
<td>May also be located within Residential area</td>
</tr>
</tbody>
</table>
EXHIBIT 2 - FINDINGS OF APPROVAL

1. The correction of the clerical error is in the general public interest, and will not have a significant adverse affect on the general public health, safety, peace, and welfare.

The correction of this clerical error is in the general public interest as it will result in correcting and clarifying the allowable square footage of the proposed hotel and lodging structure for the Silver Tip Resort Village project approved by the Board of Supervisors in December of 2003. The clarification in the allowable square footage does not materially change any of the evaluations made by the Planning Department or other resource or commenting agencies on the project. The entire project was judged on, among other things, the total number of hotel rooms provided which remains unchanged at 137. The hotel and lodging structure height of four (4) stories, footprint and location on the subject property remains unchanged. Water demand analysis, traffic generation, and all other aspects of the project were based on a total population anticipated with a 137 unit hotel and lodging structure. Impacts associated with the project’s location and height were properly evaluated and discussed in previous public hearings on the topic.

2. The correction of the clerical error conforms to the requirements of state law and county policy.

The processing of this correction is in accordance with all requirements pursuant to state law and county policy. The Board of Supervisors is merely correcting its own motion, which it finds to contain clerical errors.

4. The correction to the clerical error does not involve a change in land use.

The correction to the clerical error does not change the approved land use, configuration of the proposed structures or the impacts previously evaluated by this Board of Supervisors.

5. The correction to the clerical error does not change the original intent of the Conditional Use Permit No. 267 or Planned Development Permit No. 99-1.

The approvals associated with the Silver Tip Resort Village Project contain some 90 conditions and 54 mitigation measures. The project proponent will be required to submit evidence that they have complied with each and every one of the special conditions adopted by the Board of Supervisors during their deliberations on the project in 2003. Every aspect of the proposed project will receive a critical review to ensure that all aspects of the project are developed according to the strict standards establish by this Board of Supervisors. The correction to the clerical error does not materially alter any of the prior approvals made by Mariposa County.
November 4, 2008

TO: Board of Supervisors
FROM: Sarah Williams, Deputy Planning Director
RE: Notice of Exemption for 11/10/08 Agenda Item; Silver Tip Resort Village Clerical Error

Attached is a Notice of Exemption (NOE), which should be considered as part of your action on the Resolution correcting the clerical error associated with the approved Silver Tip Resort Village Project.

Also attached is an updated findings page for the draft Resolution, which contains a finding relative to the NOE.

This information does not change the recommended action for this matter.

Please let me know if you have any questions regarding this information.
MARIPOSA COUNTY  
NOTICE OF EXEMPTION

TO: County Clerk, County of Mariposa  
P.O. Box 247  
Mariposa, CA  95338  

FROM: Mariposa County  
Planning Department  
P.O. Box 2039  
Mariposa, CA  95338

Project Title: Resolution correcting clerical error for SilverTip Resort Village Project

Project Location: The project is located at the intersection of Highway 41 and Fish Camp Lane in Fish Camp; APNs 010-550-035, 010-550-054, 010-550-056 and 010-550-057; addresses 7733 and 7739 Fish Camp Lane, and 7625 Forest Drive, Fish Camp CA. Site is in a portion of the South ½ of Section 23, T. 5 S., R. 21 E, M.D.B. & M.

Description of Project: The resolution corrects a clerical error associated with the approved Silver Tip Resort Village project, relative to allowed square footage for the main hotel and lodge structure as established by Planned Development No. 99-1 and Conditional Use Permit No. 267 approved by the Board of Supervisors on December 2, 2003.

Name of Public Agency Adopting Resolution: Mariposa County Board of Supervisors

Name of Property Owner: PacificUS Real Estate Group

Exempt Status: Section 15060(c)(1), CEQA Guidelines and Section 15378(b)(2), CEQA Guidelines

Reason Why Project is Exempt: The resolution corrects a clerical error made during the original approval of the project. The footprint of the approved 4-story, 137-room hotel structure was always 28,140 square feet; however the table of project components did not show the proper square footage for the entire structure (calculated by multiplying 4-stories times the approved building footprint or 4 times 28,140 square feet). The Board of Supervisors exercises no discretionary power in the adoption of the resolution to correct the clerical math error. Additionally, the resolution is not a “project” as defined by CEQA as it involves the exercise of purely administrative functions.

Lead Agency Contact Person: Sarah Williams

Phone Number: (209) 742-1215

Mariposa County, Planning Department

Kris Schenk  
Planning Director  

Date
EXHIBIT 2 – FINDINGS OF APPROVAL

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6. The correction to the clerical error is exempt from the California Environmental Quality Act pursuant to Sections 15060(c)(1) and 15378(b)(2), CEQA Guidelines.

The resolution corrects a clerical error made during the original approval of the project. The footprint of the approved 4-story hotel structure was always 28,140 square feet, however the table of project components did not show the proper square footage for the entire structure (calculated by multiplying 4-stories times the approved building footprint or 4 times 28,140 square feet). The Board of Supervisors exercises no discretionary power in the adoption of the resolution to correct the clerical math error. Additionally, the resolution is not a “project” as defined by CEQA as it involves the exercise of purely administrative functions.