EXHIBIT 4

RESOLUTION NO. 03-444

RESOLUTION OF THE MARIPOSA COUNTY BOARD OF SUPERVISORS
APPROVING CONDITIONAL USE PERMIT NUMBER 267 AND ADOPTING
FINDINGS

WHEREAS, on May 7, 1999, an application for Conditional Use Permit Number 267 for
the SilverTip Resort Project was filed and submitted to the County of Mariposa in accordance
with the policies of Mariposa County; and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA)
implementing guidelines, the County determined that an Environmental Impact Report (EIR) was
required and caused an EIR to be prepared for the Project; and

WHEREAS, in accordance with CEQA, the County of Mariposa has certified and
adopted an EIR and Mitigation Monitoring and Reporting Program for the SilverTip Resort
Project;

WHEREAS, a conditional use permit has been requested by the SilverTip Resort for the
Project in accordance with the regulations of the Mariposa Code; and

WHEREAS, oral and written comments on the Conditional Use Permit Number 267
were received and considered by the Planning Commission and Board of Supervisors; and

WHEREAS, public hearings were held by the Planning Commission and Board of
Supervisors after providing all proper notice as required by State Law and the Mariposa County
Code at which time any and all members of the public were allowed to comment on Conditional
Use Permit Number 267; and

NOW THEREFORE, BE IT RESOLVED that the Board of Supervisors hereby adopts the
Project Description set forth in Attachment “A,” and grants Conditional Use Permit Number 267
on the terms and conditions set forth in Attachment “B,” as also restricted by the Project
Description and Site Plan attached as Attachment “D,” based upon the findings set forth in
Attachment “C.”

THEREFORE, BE IT FURTHER RESOLVED that this resolution shall take effect
immediately following the ordinance rezoning the SilverTip Project taking effect.
PASSED, APPROVED AND ADOPTED by the Mariposa County Board of Supervisors on December 2, 2003 by the following vote:

AYES: BALMAIN, BIBBY, PARKER

NOES: STETSON, PICKARD

ABSTAIN: NONE

ABSENT: NONE

APPROVED AS TO FORM:

JEFFREY G. GREEN, County Counsel

ATTEST:

MARGIE WILLIAMS, Clerk of the Board

BOB PICKARD, Chairman
Mariposa County Board of Supervisors
ATTACHMENT A
PROJECT DESCRIPTION LIST OF CONDITIONAL USES

The following uses are incorporated into the Conditional Use Permit in the Single Family Residential-1 acre—Planned Unit Development (SFR-1-PD) zoning district:

<table>
<thead>
<tr>
<th>Project Component</th>
<th>Description</th>
<th>Square Footage (land area disturbed)</th>
</tr>
</thead>
<tbody>
<tr>
<td>30 Cabins</td>
<td>2 stories: 2-3 bedroom units</td>
<td></td>
</tr>
<tr>
<td>30 transient occupancy uses</td>
<td>Transient occupancy certificates shall comply with Title 17 and be issued only upon approved final inspection.</td>
<td>54,000 sq.ft. (48,880 sq.ft. land area)</td>
</tr>
<tr>
<td>Up to 4 Small Conference Centers</td>
<td>1 story</td>
<td>8,000 sq.ft. (3,000 sq.ft. land area)</td>
</tr>
<tr>
<td>Residential</td>
<td>Some or all the housing for 20 employees above commercial area, within hotel, or cabin footprint that are not contained within the Resort Commercial zoning district</td>
<td>Employee housing (0 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>Cumulative total of 359 parking spaces as shown on the site plan some of which are within the RC-PUD district</td>
<td>Cumulative total of 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>

All appropriate and related conditions of the Conditional Use Permit apply to the above list of uses.

The following uses are permitted in the Resort Commercial—Planned Unit Development (RC—RD) zoning district:

<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>85,115 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>Cumulative total of up to 4 Small Conference Centers including those</td>
<td>1 story</td>
<td>8,000 sq.ft. (8,000 sq.ft. land area)</td>
</tr>
<tr>
<td>Project Component</td>
<td>Description</td>
<td>Square Footage (land area disturbed)</td>
</tr>
<tr>
<td>-------------------</td>
<td>-----------------------------------------------------------------------------</td>
<td>--------------------------------------</td>
</tr>
<tr>
<td>Commercial</td>
<td>2 story: restaurant and retail</td>
<td>14,000 sq.ft. (14,000 sq.ft. land area)</td>
</tr>
<tr>
<td>Residential</td>
<td>Some or all the housing for 20 employees above commercial area, within hotel, or cabin footprint that are not contained within the Resort Commercial zoning district</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>
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<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>Cumulative total of 359 parking spaces as shown on the site plan some of which are within the SFR-1-PUD district</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>

All appropriate and related conditions of the Conditional Use Permit apply to the above list of uses.
EXHIBIT 4
CONDITIONAL USE PERMIT #267
ATTACHMENT B
CONDITIONS OF APPROVAL

General

1. After the effective date of Specific Plan Amendment #99-1 and Zoning Amendment #99-1, the SilverTip Resort Village shall be constructed in substantial conformance with the approved site plan as approved by the Board of Supervisors and attached to this resolution as Attachment D. Any substantial modification of the site plan requires additional public review. The project shall be constructed in substantial conformance with the building design elevations included within the Environmental Impact Report. Any substantial modification of the building elevations requires additional public review.

2. Any representations by the applicant or agents speaking on the applicant’s behalf shall be reduced to writing an added as conditions of project approval.

3. The planned development permit shall be activated by the issuance of the first building or grading permit within 24 months from the date of Board of Supervisors approval of its resolution. Should activation of the permit(s) be delayed by any moratorium or excessive delays by a permitting agency over which the County of Mariposa does not exercise control, or should a lawsuit involving the approval of the CUP or related entitlements be pending in a court of competent jurisdiction, the 24 month clock shall be tolled until such time the court action or other delay has concluded. However, if the remaining time is less than 120 days, the permit shall be valid for 120 days following the termination of the moratorium or other event triggering the tolling of the period. The tolling period shall be initiated upon written notice by the applicant to the Planning Department setting forth the facts and circumstances justifying the tolling, and shall be immediately effective unless a written notice of rejection is issued by the Planning Director within 14 days of receipt of applicant’s notice.

4. No use or occupancy of the project shall commence until the Planning Director has certified all applicable conditions have been satisfied.

5. No site disturbance activities shall commence without the issuance of a building or grading permit. Should there be no code requirement for such a permit, a letter authorizing site disturbance activities shall be issued by the Planning Director upon request and upon proof of condition completion.
Land Use

6. Prior to the issuance of any site disturbance, building or grading permits, the permit holder shall submit final site plans based on construction plans. The final site plans shall clearly be labeled to match the approved site plan in Attachment D. All physical construction for the resort complex and commercial complex shall be limited to a maximum of 11.0± acres and shall be sited in substantial conformance with the approved site plan.

Botanical/Wildlife

7. Prior to the commencement of site disturbance activities of any kind, the Planning Director shall receive a detailed preconstruction survey clearly identifying areas which are proposed to be retained in natural vegetation (e.g. grasses, shrubs, trees and riparian vegetation). Accompanying the preconstruction survey shall be a construction management plan identifying how “non-disturbance areas” are to be protected from accidental disturbance during construction activities.

8. Prior to the commencement of construction activities, a tree removal and replacement plan for mature trees shall be prepared by a licensed landscape architect based upon accepted industry practice for approval by the Planning Director. The Plan shall incorporate appropriate measures taken to minimize the spread of non-native vegetation. Ponds shall not be stocked with non-native wildlife species.

9. Prior to the issuance of any building or grading permits, and during the appropriate spring survey season, a final pre-construction survey shall be conducted at the permit holder’s expense for targeted special-status plant species prior to commencement of project construction. Should any of the plant species be located, a mitigation plan shall be implemented as per requirements of the state Department of Fish and Game. Any mitigation shall be completed prior to issuance of grading or building permits for affected areas. Evidence that mitigation has been completed shall be provided to the Planning Department.

10. Prior to the issuance of any building permits, or initiation of site development activities, the impacts on 0.05 acre of wetlands shall be fully mitigated in accordance with the approved mitigation plans agreed to by affected agencies. Satisfactory evidence of that implementation as certified by the responsible agency(ies) shall be provided to the Planning Department.

11. Prior to the issuance of a certificate of occupancy or commencement of use, the permit holder shall demonstrate an assertive implementation program of appropriate policy requiring (1) guests with domestic animals to be under owners’ control at all times; and (2) assurance no guest shall participate in hunting on the subject property.
12. No perimeter or internal fencing shall be permitted on the subject property except as minimally required surrounding maintenance facilities or the wastewater treatment ponds.

13. Prior to the issuance of any building or grading permits, the permit holder shall submit to the Agriculture Commissioner of the County of Mariposa copies of the construction management plan identifying how the permit holder will take steps to prevent the transport of noxious weeds to the site. Certification of approval of such program shall be transmitted to the Planning Director.

**Public Services**

14. Prior to the issuance of any building or grading permits, the County Fire Chief and California Department of Forestry and Fire Protection shall provide the Planning Director with a letter certifying that the engineering design of the loop road is of adequate width, template, and construction design to meet the requirements of the fire protection agencies.

15. Prior to the issuance of a any building or grading permits, the County Fire Chief shall provide the Planning Director with a letter certifying that the permit holder has entered into a written agreement satisfying the requirements of the County Fire Department for fire protection. The County Fire Chief shall provide a copy of the written agreement with the certification letter. The agreement shall, at a minimum, enumerate each mitigation measure identified in the Environmental Impact Report for fire protection and shall affirmatively state the measure's inclusion in the agreement or alternatives accomplishing the same objective as required by the mitigation measure that are incorporated into the agreement.

16. Prior to the issuance of any building or grading permits, the permit holder shall complete the following improvements to the project water system:
   a. Provide a standpipe from the access roadway to service each conference center.
   b. Provide a looped water system, rated dry barrel steamer hydrants, and provide for snow removal to serve the conference centers.
   c. Provide four hydrants to serve the hotel.
   d. Provide hydrants, PIV and FDC co-located to serve the hotel.
   e. Provide hydrants located in the entry planter and in the planter in the rear of the commercial structure.
   f. Provide an interior fire suppression system (sprinklering) for the small conference centers, cabin, and commercial facility/shopowner living units. These structures shall meet the California Fire and Building Code requirements for an R-1 occupancy, which includes automatic fire extinguishing systems, fire alarms and life safety requirements.
17. Prior to the issuance of any building or grading permits, the permit holder shall submit required plans and water system designs to the County Fire Department for review and approval. No building or grading permits shall be issued until the Planning Director receives a letter from the Fire Chief certifying the approval of the Plans. The Plans shall include all necessary information required by the County Fire Department.

18. Prior to the commencement of any structure framing, the approved water system shall be fully operational and approved by the County Fire Department. Evidence of Fire Department approval of the water system shall be provided to the Building Department prior to its issuance of any approvals to proceed with framing of the structures.

19. Prior to the issuance of a certificate of occupancy for any structure on the site, the County Fire Chief shall provide the Chief Building Official with a letter certifying that the structure(s) have complied with requires of the County Fire Department for fire protection, water supply, and other requirements.

20. Prior to the use or occupancy. The permit holder shall provide staffing to supplement existing paid and volunteer staffing that is adequate to serve the facility and meet minimum interior attack requirements, and shall also provide a minimum of two EMT/First Responders on duty. A minimum of four individuals trained to meet Fire Department standards shall be available at all times. These requirements shall be included in a fully executed agreement between the Fire Department and the permit holder. Staffing may be provided by SilverTip Resort Village employees who have completed required training. Dual egress systems shall be required from upper floors. All elevators shall accommodate ambulance gurneys for supine patients. A fully executed agreement regarding these items shall be submitted to the Planning Department prior to the issuance of a Certificate of Occupancy for any structure on the project site.

21. Prior to the issuance of any building or grading permits, the Planning Director shall receive a letter from the California Department of Forestry indicating the final design meets the requirements for the Fire Protection State Responsibility Area Firesafe Requirements for driveway standards, gate standards, road standards, emergency water supply standards, fire hydrant standards, defensible space standards, and as otherwise specified in 14 CCR §1270 et. seq.

22. Prior to the use or occupancy of any structure, the Planning Director shall receive a letter from the California Department of Fish and Game indicating that food service facilities design and operations, garbage disposal practices and storage containers are sited and designed to prevent access by wildlife.
23. To the satisfaction of the Solid Waste Division and Local Enforcement Agency, on an ongoing and permanent basis, (a) all refuse containers shall comply with the County Ordinance for bear resistance, and (b) locations shall be designed and maintained to remain accessible during snow periods.

24. Prior to the issuance of any building or grading permits, the permit holder shall provide the Director of Public Works with a Plan For Annual Maintenance of all on-site roads, including Fish Camp Lane between Highway 41 and the SilverTip Lane intersection. The Plan For Annual Maintenance shall include, at a minimum:

a. Provisions for snow removal on all on-site roads, including Fish Camp Lane and emergency access road(s).

b. Provisions maintaining access to refuse containers and the on-site wastewater and water system facilities.

c. The method by which the Plan will be implemented through regular facility employees or by contract. Copies of executed contracts shall be submitted with the Plan.

d. Provisions for the exclusive use of non-contaminated sand for snow removal.

e. Evidence of any necessary easements or contractual access agreements with offsite property owners, if necessary.

25. Prior to the issuance of any building or grading permits, the permit holder shall provide Planning Director with recorded copies of access agreements or easements granted in favor of the Yosemite Alpine Community Services District and all other utility owners with facilities crossing the project site providing for access for maintenance and operation of wells, pipelines and electric lines.

26. Prior to the issuance of any building or grading permits, the Planning Director shall receive a letter from the Public Works Department indicating approval of easements or contractual agreements executed in conformance with Condition #25 and certifying such to be of adequate width and location to provide suitable access for the intended purpose(s).

27. Prior to the issuance of any building or grading permits, the permit holder shall notify the Planning Director of any utility facilities which are required to be relocated as a result of the project design or construction. If any facilities are to be relocated, prior to the use or occupancy of any structure affected by the relocation of the utility facility, the Planning Director shall receive a letter from the affected agency or utility indicating the permit holder has completed or posted adequate improvement security to assure the completion of the relocation.

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1 The Local Enforcement Agency is the Mariposa County Health Department, Environmental Health Division.
Water Quality And Quantity

28. At all times, the permit holder shall be responsible for ensuring effluent discharged from the wastewater treatment plant to the effluent disposal system complies with California Title 22 Effluent Standards and the requirements of the Regional Water Quality Control Board and its approved permits.

29. Prior to the issuance of any building permits (grading permits are not affected by this condition), the Planning Director shall receive a letter from the County of Mariposa Health Department Director indicating the wastewater treatment system has been designed to the satisfaction of the Health Department for retention of wastewater flows and prevention of subsurface disposal system overload.

30. Prior to the issuance of any building permits (grading permits are not affected by this condition), the Planning Director shall receive a letter from the County of Mariposa Health Department Director indicating the subsurface disposal system has been designed and approved by the Mariposa County Health Department and the Regional Water Quality Control Board.

31. The final site plan shall depict a subsurface disposal system replacement area at least equal in size to the approved subsurface disposal system. This shall be known as a “100 percent replacement area.”

32. On a regular basis, not less than once per calendar or year or as otherwise required by the Regional Water Quality Control Board, the permit holder shall cause to be undertaken by a professional appropriately licensed in the State of California a groundwater monitoring program. The first sample shall be to ascertain baseline data and shall occur in existing monitoring wells (W-1, W-2, and W-3 as identified in the Environmental Impact Report) prior to the initiation of the operation of the leachfield system.

33. Water supply wells shall be constructed in accordance with setback requirements from the subsurface disposal area as defined in the Uniform Plumbing Code, California Well Standards, and County ordinance, and as approved by the Health Department. Water wells shall meet all requirements and standards of the California Department of Water Resources for wellhead protection. Wells located downgradient of the subsurface disposal system shall be constructed with cement grout sanitary seals extending to a confining layer of unfractured bedrock (or to a minimum depth of 50 feet).

34. Prior to the use or occupancy of any structure, existing septic systems on the project site shall be removed or abandoned in accordance with County ordinance to the satisfaction of the County Health Department Director.
35. Prior to the commencement of any tree removal or excavation of leachfield trench or related wastewater treatment facility’s excavation or grading, all locations shall be marked clearly for inspection by Mariposa County Health Department personnel and the Regional Water Quality Control Board.

36. Prior to the commencement of any tree removal excavation of leachfield trench or related wastewater treatment facility’s excavation or grading the permit holder shall prepare a Tree Removal and Replacement Plan. The Plan shall, at a minimum, shall:

   a. Provide for the retention of as many trees as possible with a breast height diameter of six or more inches.

   b. Require where trees with a breast height diameter of six or more inches are removed, they shall be replaced on the perimeter of the leachfield area with similar varieties at a ratio of three trees planted for each tree removed <<subject to Health Department setbacks>>.

   c. Cause to be retained a certified arborist or landscape architect appropriately licensed by the State of California to specifically assess the survivability of remaining trees following excavation and utilization of the leachfields for effluent disposal. In the event survivability of remaining trees is assessed to be less than 90 percent, additional compensatory plantings shall be made on the perimeter of the leachfield area. All plantings shall be performed under the direction of a landscape architect or certified arborist.

37. Prior to the issuance of any building or grading permits, the Planning Director shall receive a letter from the appropriate responsible agency or department indicating that project permit holder has designed, and is required to install and maintain onsite pollutant control measures during project construction and operation as required to ensure NPDES compliance, and the permit holder shall provide the Planning Director with a copy of its approved State Water Resources Control Board Construction Activity Storm Water Permits.

38. Prior to the issuance of any building or grading permits, the Planning Director shall receive a letter from the County Building Director indicating his approval of the design, and an irrevocable applicant commitment to install and maintain onsite runoff attenuation facilities with sufficient capacity to reduce 100-year project stormwater runoff rates to those currently generated by the project site.

39. Prior to the use or occupancy of any building, the Planning Director shall receive a letter from the County Fire Chief certifying that the permit holder has installed on-site water storage tank(s) meeting project water demands consistent with standards contained in the most recently adopted Uniform Fire Code. The required storage volume shall be a minimum of 410,000 gallons. Water storage may be apportioned in phases with a nexus to the requirements generated by
facilities for which occupancy is sought combined with the total demand of all facilities under construction.

40. Prior to the use or occupancy of any building, the permit holder shall install a recording flow meter on each well providing potable water for the project.

41. Prior to the tenth day of each month following the initiation of use for each well providing project potable water and on a continuous ongoing period:

   a. During the months inclusive of May 1 through September 30, static and pumping water levels shall be measured and recorded at each well site and wells selected by the Health Department at offsite locations around the project.

   b. During the months inclusive of October 1 through April 30, static and pumping water levels shall be measured and recorded at each well site. No offsite locations around the project need be sampled unless required by the County of Mariposa Health Department or the Regional Water Quality Control Board.

42. On a scheduled established by the Regional Water Quality Control Board or County of Mariposa Health Department, and not less than one time per year—unless prescribed more often in law or regulation—the permit holder shall cause to be undertaken by a professional appropriately licensed by the State of California water quality sampling and sounding for water levels within each onsite well providing potable water.

43. Prior to the use or occupancy of any building, and on a continuing basis, the potable water supply from on-site wells shall meet or be treated to meet California Drinking Water Standards or shall be treated to meet those standards.

44. Prior to the use or occupancy of any building, permit holder shall ensure continuous supply of water for domestic purposes to Block D property owners, until the earlier of:

   a. A separate written agreement is achieved with a majority of the Block D property owners which establishes assurances of continued water supply satisfactory to such Block D owners; or

   b. A certificate of public convenience and necessity is issued by the California Public Utilities Commission (PUC) to the then existing owner of the water system that presently benefits the Block D property owners, which certificate and related PUC regulatory jurisdiction shall establish continued delivery of water to the Block D owners, on terms and conditions as shall be established by the PUC; or
c. The Block D property owners establish arrangements with the Yosemite Alpine Community Service District, or other purveyors having all necessary governmental permits, for alternative domestic water supply sources.

45. On an ongoing and continuous basis, the permit holder shall notify the Health Department Director of a schedule for the annual draining of interior and exterior swimming pools. At no point, except in the case of an emergency declared by the Director, shall the pools be drained prior to October 1 or after April 30. All drainage shall be discharged to the wastewater treatment plant and dosed into the leachfields on a schedule of time and dilution approved by the Director.

46. On an ongoing and continuous basis, biosolids from the project shall disposed in a method and location approved by the Mariposa County Health Department.

Air Quality

47. Prior to the issuance of any building or grading permits, the County of Mariposa Air Pollution Control Officer shall approve contract specifications for the permit holder shall require the following measures in all construction contracts:

a. Alternatives to open burning of vegetative material on the project site shall be used whenever possible. Suitable alternatives are chipping, mulching, or conversion to biomass fuel.

b. Contractors shall be responsible for ensuring that adequate dust control measures are implemented in a timely manner during all phases of project development and construction.

c. All material excavated, stockpiled, or graded shall be sufficiently watered, treated, or covered to prevent fugitive dust from leaving the property boundaries and causing a public nuisance or violation of an ambient air standard. Watering shall occur at least twice daily, with complete site coverage.

d. All areas (including unpaved roads) with vehicle traffic shall be watered or have a dust palliative applied as necessary for stabilization of dust emissions.

e. All on-site vehicle traffic shall be limited to a speed of 15 mph on unpaved roads.

f. All land clearing, grading, earth moving or excavation activities shall be suspended as necessary to prevent excessive windblown dust when winds are expected to exceed 20 miles per hour.
g. All inactive portions of the construction site shall be covered, seeded, or watered until a suitable cover is established. Alternatively, non-toxic soil stabilizers shall be applied (according to manufacturers specifications) to all inactive construction areas (previously graded areas which remain inactive for 96 hours). Acceptable materials that may be used for chemical soil stabilization include petroleum resins, asphaltic emulsions, acrylics, and adhesives that do not violate Regional Water Quality Control Board or California Air Resources Board standards.

h. Paved streets adjacent to construction sites shall be swept or washed at the end of each day, or as required to remove excess accumulations of silt and/or mud that may have resulted from activities at the construction site.

i. All material transported off-site shall either be sufficiently watered or securely covered to prevent public nuisance.

j. Ground cover shall be re-established on the site through seeding and watering. Measures b through i shall be included in all construction contracts and evidence of this inclusion shall be provided to the Planning Director prior to commencement of applicable construction activities.

k. During initial grading, earthmoving, or site preparation, a 100-foot paved (or palliative-treated) apron shall be constructed, extending onto the construction site from the adjacent paved roads where vehicles and equipment egress.

48. The final site plan shall depict an area within the project site for a bus stop to be used by regional transit buses at such time transit service is extended to the Fish Camp area.

49. Prior to the use or occupancy of any building, secure bicycle facilities shall be installed on the project site in conformance with the approved site plan.

50. The final structure design for the project shall incorporate the use of energy-efficient lighting, automated controls, and energy efficient heating, ventilating, air conditioning, water heaters, and boiler units. All such equipment shall be “Energy Star” rated or equivalent in terms of defined energy savings.

51. The final structure design shall not include open-hearth wood burning fireplaces.

52. The final structure design may include appropriately certified woodstoves or LPG-fired decorative fireplaces. All wood-burning devices shall be approved by the County of Mariposa Air Pollution Control Officer Prior to the use or occupancy of any building.
53. Prior to the use or occupancy of any building, the Health Department Director shall certify that wastewater collection and treatment facilities, including the pond, incorporate appropriate equipment and design so that odors cannot be detected beyond the plant boundary. The emergency storage pond shall be equipped with aerators and washdown facilities to control odor emissions during emergency use.

Traffic And Circulation

54. Prior to the commencement of any construction activities within the Caltrans right-of-way, the permit holder shall obtain an encroachment permit from the agency and shall submit a copy of said permit to the Planning Director.

55. Prior to the issuance of any building or grading permits, the permit holder shall obtain an encroachment permit from Caltrans for construction of a left turn lane within the State right-of-way. Work planned within the State right-of-way shall be performed to State standards and specifications. Plans for said work shall be reviewed and approved by the Caltrans. No encroachment or placement of fill shall occur in jurisdictional waters of the U.S. during construction or operation of the proposed left turn lane. Runoff from the additional pavement shall not be discharged to the pond, other surface waters, or wetland areas without compliance with NPDES requirements for treatment and control as set forth in Condition #37. In addition, a qualified professional archaeologist shall monitor all construction activity during installation of the left turn lane. In the event subsurface cultural resources are encountered or otherwise disturbed, all work shall cease until a complete evaluation is undertaken and a plan for resource preservation and/or recordation is implemented by Caltrans in accordance with Section 15064.5 of the CEQA Guidelines.

56. Prior to the use or occupancy of any building, the Director of Public Works shall approve a road signage plan for onsite circulation streets and driveways.

57. Prior to the use or occupancy of any building, the permit holder shall install “One-way” signs on breakaway posts along the one-way segments of the internal roadway system in conformance with the signage plan.

Aesthetics

58. No changes to the site plan, exterior design, color, or materials of any structure or landscaping shall be permitted without the written approval of the Planning Director.

59. Prior to the use or occupancy of any building, the permit holder shall submit design for all onsite signs for the approval of the Planning Director.
60. Prior to the issuance of any building or grading permits, the permit holder shall cause to be prepared by a certified arborist or landscape architect appropriately licensed by the state of California a tree survey of areas to be affected by site development to locate and define the number and size of mature trees proposed to be removed. Mature trees with a breast height diameter of six inches or greater proposed to be removed shall be indicated on final site plans. The plan for mature trees shall be based upon accepted industry standards. The Plan shall specify that replacement trees for removed mature trees shall be a minimum size of 15 gallons. In conducting the review of the plans, the Planning Director shall apply the site development standards, building and structure design standards, landscaping standards, and sign standards, as presently apply to commercial uses in the County of Mariposa's Scenic Highway Overlay Zone.

61. Upon completion of construction of above ground storage tanks, the permit holder shall submit a visual impact analysis to determine the visibility of the tanks from view from Highway 41. The Planning Director shall be authorized to require additional landscape screening of such tanks if found to be visual impacts from the State Highway.

62. Prior to the issuance of any building or grading permits, the permit holder shall submit for the approval of Planning Director a landscape plan prepared by a professional appropriately licensed by the state of California to create such plans. The Plan shall be designed to satisfy the following County objectives:

   a. Landscaping with native coniferous species installed to screen views of the project site from roadways and neighboring properties to the maximum extent possible.

   b. Landscaping shall include plantings designed to screen water storage tanks to the maximum extent possible.

   c. Review of the plans shall apply the site development standards, building and structure design standards, landscaping standards, and sign standards, as presently apply to commercial uses in the County of Mariposa's Scenic Highway Overlay Zone or the zoning district equivalent in effect at the time of Plan submittal.

63. All lighting fixtures along access roadways and in parking areas shall be designed with sites, luminescence, wattage, and covers using the model lighting code developed by the International Dark Sky Association and shall be approved by the Planning Director prior to the installation of any fixtures. The Director shall be authorized at the permit holder's expense to contract with a lighting specialist to review the lighting plan.

Cultural And Historical Resources
64. Prior to the issuance of any building or grading permits for any underground construction (e.g., excavation of foundations, work within the Caltrans right-of-way, installation of electrical, utility, water or sewage systems, or other services requiring trenching) in Areas A and B of Site CA-MRP-000280/H shall be preceded by archaeological test excavations undertaken by professional archaeologists and a qualified Native American observer. Excavation test results shall be circulated to the appropriate agencies and historical resources information center. If substantial subsurface deposits are discovered, the archaeologist shall immediately report these findings and recommended mitigation measures to the Mariposa County Planning Department or Caltrans, if within the Highway right-of-way for final determination and approval. Compliance with this measure shall be required prior to issuance of any grading or building permit for Areas A and B of Site CA-MRP-000280/H.

65. This permit does not entitle any construction within the boundaries of Site CA-MRP-000280/H.

66. During the initiation of grading and construction activities for access roads constructed from Highway 41 and other existing roads into the proposed SilverTip Resort area, construction of road or trail alignments shall be monitored by a qualified professional archaeologist. The permit holder shall include these requirements in any construction contracts and specifications for the project. The construction superintendent and all construction personnel involved in road and trail construction shall sign documents acknowledging that they have been informed of these requirements and shall comply. Portions of the construction contracts addressing this issue and signed acknowledgements from construction superintendents and personnel shall be provided to the Planning Department prior to commencement of work.

67. In the event that human remains, however fragmentary or displaced from their context, are discovered within the APE of the proposed project, the Mariposa County Coroner, the American Indian Council of Mariposa, and the Native American Heritage Commission, Sacramento shall be notified immediately. The permit holder shall include these requirements in any construction contracts and specifications for the project. The construction superintendent and all construction personnel who will be involved in ground disturbing activities during project construction shall sign documents acknowledging that they have been informed of these requirements and will comply. Portions of the construction contracts addressing this issue and signed acknowledgements from construction superintendents and personnel shall be provided to the Planning Department prior to commencement of work.

68. In the event of discovery of undocumented archaeological or historical cultural resources on the project site, the contractor, project manager or other responsible official shall order discontinuation of activities in the locality of the discovery. The Mariposa County Planning Department shall be notified immediately, who shall
then also notify the American Indian Council of Mariposa County. A qualified professional archaeologist shall be consulted immediately for an on-site inspection and evaluation of the significance of the find or finds relative to CEQA criteria and identification of appropriate mitigation, if indicated. These findings shall be submitted to the Planning Department for final determination of any required action or mitigation. The construction superintendent and all construction personnel who will be involved in ground disturbing activities during project construction shall sign documents acknowledging that they have been informed of these requirements and will comply. Portions of the construction contracts addressing this issue and signed acknowledgements from construction superintendents and personnel shall be provided to the Planning Department prior to commencement of work.

**Noise**

69. Prior to the issuance of any building or grading permits, the permit holder shall submit for the approval of the Planning Director a noise mitigation plan for Fish Camp Drive in conformance with Mitigation Measure #50. The Planning Director shall be authorized to contract with a noise consultant at permit holder’s expense to review the implementation of the mitigation requirements.

70. Prior to the use or occupancy of any building, the permit holder shall install or post improvement security to the satisfaction of the Planning Director for the installation of noise mitigation as required by condition 69 above.

71. Prior to the use or occupancy of any building, the permit holder shall submit to the Planning Director for approval an assertive policy clearly requiring that any idling buses shall be required to be parked along the north-northwest side of the hotel. Bus parking spaces shall be shown on the Final Site Plan and maintained at this location for this purpose.

72. Prior to the issuance of any building or grading permits, the permit holder shall submit for the approval of the Planning Director language to be included in all construction contracts that:

   a. Clearly limits grading and construction activities to weekdays between the hours of 8:00 a.m. and 7:00 p.m.

   b. Required all construction equipment to be operated with properly installed and operating muffling devices.

   c. A requirement that all portable compressors shall be located in enclosures and shielded from residences.

   d. A requirement that exterior and interior framing activities and other activities which will require driving of nails, staples or fasteners, shall be
conducted using pneumatic nailers, or electric drills and nailers. Hammers shall not be used for these activities, whenever feasible.

e. A requirement that the construction superintendent and all construction personnel who will be involved in construction at the site shall sign documents acknowledging that they have been informed of these requirements and will comply.

73. As a means of ensuring that mobile equipment will not exceed acceptable noise levels at adjacent residences, the wing setbacks shall be maintained. Where these setbacks cannot be maintained, additional mitigation measures shall be incorporated into the project design, including the construction of temporary noise barriers. The table in Mitigation Measure #51-A provides the required setbacks to achieve the maximum noise level criterion of 75dB(A). Temporary Generators used for construction purposes shall be used in compliance with setback requirements, of the kind detailed in the above referenced table, to achieve the maximum noise level criterion of 75dB(A). The final structure design shall include all mechanical equipment associated with the hotel, including heating and ventilation, cooling towers, chillers, and heat exchangers shall be located inside an equipment room. As an alternative, all mechanical equipment associated with the project hotel shall demonstrate that overall noise levels will not exceed 45 dB(A) at a distance of 100 feet from the hotel façade.

74. The final structure design for individual hotel rooms shall not include individual through-exterior wall heating and cooling units. Temperature control equipment shall be located inside an equipment room.

75. The final structure design shall include heating units for individual cabins inside of buildings.

76. Mechanical equipment associated with the commercial center shall be located to produce no noise levels which exceed 50 dBA at a distance of 50 feet from the individual piece of equipment. It shall be demonstrated by a professional appropriately licensed in the State of California under contract to the Mariposa County Planning Department that roof-top mechanical equipment associated with the commercial center shall not exceed 40 dBA at the adjacent residences. If equipment contains tones or repetitive impulsive sounds, the standard for those noise sources shall be 35 dBA.

77. The final structure design shall depict all pumps and associated motors at the proposed wastewater treatment plant either located inside buildings, or submerged.

78. Prior to the use or occupancy of any structure with roof-top mechanical equipment, it shall be demonstrated by a professional appropriately licensed in the State of California under contract to the Mariposa County Planning
Department that roof-top mechanical equipment associated with the facility shall not exceed 40 dB(A) L_e/L50 at the adjacent residences. If equipment contains tones or repetitive impulsive sounds, the standard for those noise sources shall be 35 dB(A).

79. Prior to the use or occupancy of any of the wastewater treatment facility, it shall be demonstrated by a professional appropriately licensed in the State of California under contract to the Mariposa County Planning Department that wastewater treatment plant pumping equipment which may operate during nighttime hours of 10:00 p.m.-7:00 a.m. shall not exceed an hourly average noise level of 40 dB(A) L_e at the project property line or at adjacent residential use. Routine testing of emergency generators shall be conducted during the daytime periods. Emergency generators shall not exceed an hourly average noise level of 50 dB(A) L_e at the project property line or at adjacent residential property lines.

80. The backup generator shall be enclosed in a mechanical building adjacent to the hotel. Air ventilation openings shall be equipped with acoustical louvers to ensure that adequate noise reduction will be achieved. The generator shall not be exercised (tested) between the hours of 8:00 p.m. and 8:00 a.m.

81. Prior to the use or occupancy of any building, the permit holder shall submit for the approval of the Planning Director an assertive policy program to ensure all guests registering at the hotel after 10:00 p.m. shall use parking spaces located on the northwest side of the hotel. No additional parking shall be allowed on the southeast side of the hotel between 10:00 p.m. and 7:00 a.m.

82. A notice shall be placed in all cabins and as appropriate in and around the hotel stating, to the effect and not necessarily in these words, “In respect for residential neighbors, no radios or other forms of amplified music are allowed outside between the hours of 10:00 p.m. and 7:00 a.m.”

**Public Health And Safety**

83. Prior to the commencement of demolition of the existing SilverTip Lodge structure, the permit holder shall contract provide proof of a contract to the Planning Director with an asbestos inspector appropriately licensed by the state of California or the Environmental Protection Agency to determine the presence of asbestos and cause its removal in a manner consistent with the U.S. Environmental Protection Agency in the National Emission Standards for Hazardous Air Pollutants (NESHAP) regulation, 40 CFR, Part 61, Subpart M.

**Mitigation Monitoring**

84. Prior to the use or occupancy of any building, the permit Planning Director shall prepare an estimate for the first year cost of mitigation monitoring. The permit holder shall submit to the County full payment for the estimated first year's
mitigation monitoring costs. The project permit holder shall be responsible for costs incurred by county agencies in monitoring the implementation of project mitigation. The fees are limited to the estimated cost of the program, including the agency’s administrative costs. Fees may be used to cover the cost of agency staff, as well as the cost of hiring special monitors or consultants, if needed or otherwise authorized.

85. Prior to the issuance of any building or grading permits, the permit holder shall submit restoration surety in a form satisfactory to the County Counsel. The amount of surety shall be 10% of the total construction cost of the project or equal to an engineer’s estimate of the cost of site preparation and grading, whichever is greater. This amount is to be confirmed by the Department of Public Works, covered by a 50% contingency, and guaranteed by an appropriate agreement with the County. Upon completion of the grading and final approval by the County, the required security shall be returned to the permit holder.

Additional conditions

86. Prior to any site disturbance or the issuance of any building or grading permits, the permit holder shall execute an indemnification agreement with the Board of Supervisors holding the County of Mariposa harmless from legal action and agreeing to compensate the County for its litigation costs and join the County in defense of such actions.

87. Prior to the issuance of a building permit for any habitable structure in the approved project, the permit holder shall pay all required school impact fees to the County of Mariposa Building Department.

88. Prior to the use or occupancy of any structure, the permit holder shall provide, for review and approval by the County of Mariposa Air Pollution Control Officer, an inventory of all mechanical equipment and vehicles to be used for site and facility maintenance. The listing shall delineate those items that are to be powered by electricity, propane, natural gas, or other alternative fuel, versus those items to be powered by gasoline or diesel power. The Air Pollution Control Officer shall not approve the inventory if it finds that any item proposed to be powered by gasoline or diesel power can feasibly be fueled by electricity, propane, natural gas, or other alternative fuel, taking into account the intended purposes and uses of such item of equipment. No revisions to the approved inventory can be made, and no items not on the approved inventory may be used, except upon the approval by the Air Pollution Control Officer.

89. Prior to the use or occupancy of any structures, the Planning Director shall receive a copy of written operational policies by the permit holder ensuring that snow removal within the commercial structure C parking lots shall not occur between the hours of 10:00 p.m. to 7:00 a.m.
Housing

90. Prior to the use or occupancy of the hotel project, the permit holder shall construct facilities sufficient for the housing of 20 employees above the commercial area, within the hotel, or cabin footprint. Such facilities shall be held open for SilverTip resort employees for six months after Certificate of Occupancy of the Hotel, or the employee housing facilities (whichever is later). Thereafter, SilverTip employees shall be given preferential rights to the rental units. If sufficient demand does not exist from SilverTip employees, the employee housing may then be made available first to employees of other Fish Camp resort businesses, then to other Mariposa County Residents generally. Tenancies will be provided at fair market rents, and for no more than a six-month term, to help ensure that there is opportunity for a reasonable turn-over so the preferential rights of SilverTip employees can be maintained.
ATTACHMENT “C”

FINDINGS: CONDITIONAL USE PERMIT NUMBER 267

1. Adequate open space is provided, as denoted by the site plan (Attachment “A” to this Resolution), the Conditions of the Planned Unit Development Permit and EIR table 3.1-1. This includes both riparian and meadow areas, as well as general open space.

2. The site is physically suited for the proposed development.\(^1\) Structures and facilities are sited to minimize grading.\(^2\) Access can be provided to all units in a form and design meeting the requirements of the Public Works Department and the County Fire Chief.\(^3\) The Board adopts by reference Exhibit 3, Attachment “C,” finding #4.

3. Adequate provisions have been made for sewage disposal and handling of solid waste. The proposed Project includes comprehensive water and wastewater requirements.\(^4\) In addition, the EIR analyzed potential impacts to solid waste and concluded that impacts were less than significant. EIR 3.3-8; 3.4-15. PUD/CUP Condition of Approval (“COA”) #46 addresses safe disposal of biosolids.

4. The Project will have adequate potable water for public use and fire protection. The proposed Project is mandated by conditions of approval to provide potable water and fire protection water in a storage and delivery system meeting the requirements of the County Health Department and the County Fire Chief.\(^7\) A minimum 410,000 gallon system with delivery pressure and fixtures meeting NFPA code requirements is specified.\(^6\)

5. The proposed Project complies with all setback requirements of Title 17, Mariposa

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\(^1\) See DEIR Fig. 2-4, § 2.1.2.

\(^2\) See DEIR § 2-7.

\(^3\) See Mitigation Measures #8-12 and Conditions of Approval #14, 16 and 21.

\(^4\) See DEIR Section 3.2.7, Mitigation Measure #17, Condition of Approval #37; EIR section 3.4-1; Analysis of Environmental Effects Related to Changes in the Number of Employees Required for Operation of SilverTip Resort Village Facilities, EIR Addendum prepared by Quad Knopf, Inc. for Mariposa County, September 2003; Mitigation Measures #02R, 03R and 04R; and Conditions of Approval #28, 29, 30, 31, 32 and 33.

\(^5\) See Conditions of Approval #15, 16, 17, 18, 19 and 33.

\(^6\) See Condition of Approval #39.
County Zoning Code, and the Fish Camp Town Plan Specific Plan.\(^7\) No special setback waivers are required. Appropriate buffers for adjacent land uses are established through the approved site plan and the conditions of the Planned Unit Development Permit and noise mitigation requirements (COA #52, 69, 71-80).

6. Appropriate access is available or will be proposed. The Project includes a loop road (site plan), required improvements to Highway 41 (EIR 3.6-1, COA #55) and is conditioned to meet the requirements of Caltrans and the Mariposa County Public Works Department (COA #55 and 57).

7. The Project, with adoption of the proposed Specific Plan amendments, is consistent with the goals, policies, and general implementation of the Mariposa County General Plan, the Fish Camp Town Plan Specific Plan, Mariposa County Code Title 17, and the uncodified Fish Camp Town Plan Specific Plan zoning ordinance.

The SilverTip Project and the proposed amendments to the FCSP promote the orderly expansion of the community of Fish Camp and furthers the objective of Town Planning Areas within Mariposa County in that this Project will serve to focus the commercial development activity and concentration within the Fish Camp Town Planning Area.\(^8\)

The Project site is located at the intersection of Highway 41 and Fish Camp Lane on approximately 47 acres within the boundaries of the Fish Camp Town Planning Area. A portion of the Project site contains what was once the SilverTip Lodge until it was destroyed by fire in 1981 and also contains the existing U.S. Post Office. The Project brings commercial uses to the area in the form of a hotel, conference facilities, and retail establishments as well as diverse residential housing opportunities for shop owners and workers.\(^9\) This Project will allow for the distribution of uses throughout the Project site and bringing the Project’s commercial related uses into the Fish Camp Town Planning is in conformance with the goals and objectives of the FCSP and the MCGP goals, objectives and policies for Town Planning Areas.\(^10\)

Bringing this commercial Project into the core of the Fish Camp Town Planning Area furthers the goals of the FCSP of promoting recreation and tourism.\(^11\)

\(^7\) See Condition of Approval #6.

\(^8\) See Objective 1 of the FCSP at Page 14; MCGP § 3.300(D), (G).

\(^9\) See Objectives 2 and 10 of the FCSP at Page 14; MCGP § 3.300(D).

\(^10\) See MCGP §§ 3.300(D), (G), 13.200.

\(^11\) See Objective 3 of the FCSP at Page 14; MCGP §§ 3.300(C), (G), 4.300.
In keeping with the policies, goals and objectives of both the FCSP and the MCGP, this Project has been conditioned so that the historical sites and structures on the Project site are preserved for the benefit of the community and future generations. Any potential disturbance of sensitive sites during construction are required to be preceded by archaeological tests undertaken by a professional archeologist as well as a qualified Native American observer. Construction activities will require close coordination with professionals in order to protect impacts upon prehistoric and historic resources within the community.\textsuperscript{12}

The location of this Project near the intersection of Highway 41 and Fish Camp Lane promotes the FCSP and MCGP policy of concentrating development within Town Planning Areas. Additionally, as a portion of the Project site is situated in an area that has historically been the commercial center of the community, the Project site’s location and proximity to Highway 41 facilitates ready access to and from the Project. In order to better promote safe and effective circulation within the Fish Camp Town Planning Area, the Project developer will be required to install a left turn lane for northbound traffic at the intersection of Highway 41 and Fish Camp Lane prior to occupancy and use of the proposed Project condition of approval. Additional traffic and circulation related measures have been incorporated into the Project approvals to further promote a safe and effective circulation system within the Project and the Fish Camp community.\textsuperscript{13}

Conditions upon the Project’s development have been required to preserve the fragile ecology of the community generally and specifically as related to hillsides and Big Creek. During Project construction, as much natural vegetation as possible will be retained. This Project site is well suited to avoid hillside erosion and damage as the Project site is predominantly located on relatively flat terrain.\textsuperscript{14} Replacement provisions for any tree removed are in place as are protective measures to minimize the spread of non-native vegetation and wildlife species.\textsuperscript{15} Provisions to protect any special status plan species found or located during construction have also been required to be implemented.\textsuperscript{16} Impacts to the wetlands within the meadow on the Project site will be fully mitigated and Project approvals require avoidance, creation and management actions with respect to

\textsuperscript{12} See Objective 4 of the FCSP at Page 14; MCGP §§ 12.300, 12.400; Conditions of Approval #64-68.

\textsuperscript{13} See Objective 5 of the FCSP at Page 1; MCGP § 4.300; Conditions of Approval #54-57.

\textsuperscript{14} See MCGP § 11.403; EIR Figure 2-10.

\textsuperscript{15} See Mitigation Measure #03 and Conditions of Approval #7 and 8.

\textsuperscript{16} See Mitigation Measure #04 and Condition of Approval #9.
sensitive ecological sites prior to and during Project construction.\(^{17}\) As part of this Project, the developer has been required to design, install and maintain onsite pollution control measures to reduce the potential for deleterious effects upon Big Creek from waste and sedimentation all in accordance with the goals of the FCSP.\(^{18}\)

Following the goals of the FCSP and the overall guiding policy of the MCGP for noise, this Project will be conditioned to require noise controlling measures with respect to the various aspects of the Project, from construction through operation. These measures, which include shielding of mechanical equipment, hours of operation for mechanical equipment and certain operations, and site planning designed to shield adjacent land uses from noise intrusion, will preserve the quality of life in Mariposa County generally and Fish Camp specifically by preventing and suppressing the intrusion of objectionable levels, frequencies and time duration of noise by controlling noise at its source.\(^{19}\)

As required under the goals of the FCSP, public services such as fire protection, road, water, sewer and snow removal will also be increased as a result of this Project.\(^{20}\) The Project site will include a loop road to provide access for emergency vehicles.\(^{21}\) The Project developer will be required to pay the cost of fire apparatus capable of reaching the peak of the hotel structure and a water system for fire suppression.\(^{22}\) This additional fire protection infrastructure as well as emergency vehicles created and purchased by the Project developer will, following approval by the Mariposa County Fire Department, become the property of the County and serve all area residents. In addition to emergency vehicles and fire suppression infrastructure, the Project developer will be required to provide staffing to supplement existing paid and volunteer staff for fire suppression and emergency medical response.\(^{23}\)

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\(^{17}\) See MCGP § 7.600; See Mitigation Measure #05 and Condition of Approval #10.

\(^{18}\) See Objective 6 of the FCSP at Page 14; See Mitigation Measure #02R, 06R and 09R and Conditions of Approval #28-34 and 37.

\(^{19}\) See MCGP §§ 9.300, 9.600; See Conditions of Approval #69-82.

\(^{20}\) See Mitigation Measures #08-13 and Conditions of Approval #15-24.

\(^{21}\) See Mitigation Measure #08 and Condition of Approval #14.

\(^{22}\) See Mitigation Measure #09 and Conditions of Approval #15, 16 and 17.

\(^{23}\) See Objectives 7 and 9 of the FCSP at Page 1; MCGP §§ 11.30, 11.401; See Mitigation Measure #11 and Condition of Approval #20.
The Project with its tourist accommodations, conference centers and retail components will create an opportunity for retail services for local residents as well as provide additional meeting facilities within the conference center located on the Project.  

The Project will be required to maintain standards for pollution, noise and public safety as required under the conditions of approval (e.g. 19, 20, 24, 31, 32, 33, 73, 76 and 78) as well as under the Mariposa County Code, state and federal law in order to provide a safe and healthful environment for the residents of Fish Camp and visitors in the community.

8. The Project, as approved, includes all feasible mitigation measures. Notwithstanding the inclusion of all feasible mitigation measures, the Project will cause significant adverse unmitigated effects, for which the Board has adopted a statement of overriding consideration. The Board’s finding with respect to the incorporation of mitigation measures, findings of significance and statement of overriding considerations are set forth in Exhibit 1, Attachment “A” and incorporated by reference herein.

9. The establishment and maintenance of the use, will not, under the circumstances, be detrimental to the health, safety, moral or welfare of persons residing or working in the neighborhood, and will not be injurious or detrimental to property or improvements in the neighborhood or the general welfare of the County. The Board makes this finding based upon the following considerations:

a. Consistency of the Project with the General Plan and Specific Plan (See Exhibit 2, Attachment “C,” parts 1a and 2);
b. Visual compatibility (FEIR 3.7);
c. Tree and vegetation protection (COA #7, 8, 9, 13, 36 and 60);
d. Limited impacts on jurisdictional wetlands (COA #10);
e. Protection of wildlife migration (COA #12);
f. Public safety improvements (COA #14, 15, 16, 17, 18, 2R-15R and 39);
g. Road maintenance (COA #24);
h. Road improvement (COA #54-57);
i. Water quality and quantity (COA #28, 29, 30, 31, 32, 33, 34, 41, 42, 43 and 44);
j. Public health (COA #46 and 83);
k. Air quality (COA #47, 51, 52 and 53);
l. Design controls (COA #58 and 59);
m. Exterior lighting restrictions (COA #63); and
n. Noise reduction (COA #69, 70, 71, 72, 74, 75, 76, 77, 78, 79, 80, 81 and 82).

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24 See Objective 8 of the FCSP at Page 14; DEIR Table 2-1.
ATTACHMENT “D”

SITE PLAN

Insert from Eric Toll
DEPARTMENT: Planning

RECOMMENDED ACTION AND JUSTIFICATION:

Board action on the SilverTip Resort Planned Development, Specific Plan Amendment #99-1, Zoning Amendment #99-1, Planned Development #99-1, Conditional Use Permit #267, Land Division Application #1511 for 15.73 acres of RC-PD zoning, 29.07 acres of SFR-1-PD, 125 hotel units, 30 cabin units, 30 transient occupancy use approvals, 4 parcels.

Please see attached information.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Financial Impact? ( ) Yes ( ) No Current FY Cost: $

Budgeted In Current FY? ( ) Yes ( ) No ( ) Partially Funded

Amount in Budget: $

Additional Funding Needed: $

Source:

Internal Transfer

Unanticipated Revenue

Transfer Between Funds

Contingency

( ) General ( ) Other

Annual Recurring Cost: $

List Attachments, number pages consecutively

CLERK’S USE ONLY:

Res. No. Ord. No. 1000

Vote – Ayes: Noes: Absent:

( ) Approved

( ) 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

County of Mariposa, State of California

By: Deputy

COUNTY ADMINISTRATIVE OFFICER:

Requested Action Recommended

( ) No Opinion

Comments:

CAO:
TO: ERIC TOLL, Planning Director

FROM: MARGIE WILLIAMS, Clerk of the Board

SUBJECT: ADOPTION OF SILVERTIP RESORT PLANNED DEVELOPMENT
Resolution Nos. 03-442; 03-443; 03-444; 03-445; 03-446; 03-447 and Ordinance No. 1000

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on December 2, 2003

ACTION AND VOTE:

Eric Toll, Planning Director;

A) Board Action on the SilverTip Resort Planned Development, Specific Plan Amendment #99-1, Zoning Amendment #99-1, Planned Development #99-1, Conditional Use Permit #267, Land Division Application #1511 for a 15.73 Acres of RC-PD Zoning, 29.07 Acres of SFR-1-PD, 137 Hotel Units, 30 Cabin Units, 30 Transient Occupancy Use Approvals, 4 Parcels (Continued from 11-4-03) (NOTE: agenda was corrected on December 1, 2003, to reflect 137 hotel units versus 125)

BOARD ACTION: Eric Toll advised of three pages of errata that were distributed to add to this package to correct a typographical error and to correct the acreage labels for the land use classification maps. Eric reviewed the seven recommended actions. Eric and Attorney Bill Abbott, special counsel, responded to questions from the Board relative to certifying the Environmental Impact Review (EIR); and relative to the Conditional Use Permit only referencing an exterior swimming pool – however, there is language in the documents relative to draining an exterior and interior pool. Ron Coleman, applicant, advised that there is an interior pool and an exterior pool planned for the project. Staff responded to additional questions from the Board as to whether there are any existing septic systems to be removed or abandoned, and relative to the process; and relative to the status of the Board’s request for more detailed information on the employee housing. Eric advised that details of housing for twenty employees will be included in the development agreement which will come back to the Board for ratification. Staff responded to a question from the Board relative to the parking requirements. The Board took the following actions relative to the SilverTip Resort.

(M)Parker, (S)Balmain, Res. 03-442 was adopted certifying the EIR and adopting findings, a Mitigation Monitoring and Reporting Program, and Statements of Overriding Consideration/Ayes: Balmain, Bibby, Parker, Pickard; Noes: Stetson.

(M)Parker, (S)Balmain, Res. 03-443 was adopted approving Specific Plan Amendment No. 99-1 amending the Fish Camp Town Planning Area Specific Plan to change its land use classification map, as
recommended. Supervisor Bibby read a portion from the Fish Camp Specific Plan relative to the guiding principles and the goals and objectives to support the goals for planning for the community. Supervisor Stetson stated he felt there could be different points of view. Supervisor Pickard stated he supports a SilverTip Resort project, but can't support this project as proposed. He stated he feels the community is looking for a scaled down version and one that is viable and sustainable; and he advised that these same concerns apply for each of the following actions. Ayes: Balmain, Bibby, Parker; Noes: Stetson, Pickard.

(M)Parker, (S)Balmain, reading was waived and Ord. 1000 was adopted approving Zoning Amendment No. 99-1 amending the uncodified ordinance implementing the Fish Camp Town Planning Area Specific Plan to change its zoning district map as recommended/Ayes: Balmain, Bibby, Parker; Noes: Stetson, Pickard.

(M)Parker, (S)Balmain, Res. 03-444 was adopted conditionally approving Use Permit No. 267 for the SilverTip Resort Village, as recommended/Ayes: Balmain, Bibby, Parker; Noes: Stetson, Pickard.

(M)Parker, (S)Balmain, Res. 03-445 was adopted conditionally approving the Planned Development Permit No. 99-1 for the SilverTip Resort Village, as recommended/Ayes: Balmain, Bibby, Parker; Noes: Stetson, Pickard.

(M)Parker, (S)Balmain, Res. 03-446 was adopted conditionally approving the Land Division Application No. 1511 to create four parcels as shown on the tentative map, as recommended/Ayes: Balmain, Bibby, Parker; Noes: Stetson, Pickard.

(M)Stetson, (S)Parker, Res. 03-447 was adopted approving and authorizing the Chairman to sign the Indemnification Agreement with PacificUS for the SilverTip Resort Village project/Ayes: Unanimous.

Eric Toll advised that there are over 11,000 pages in the administrative record for this project that is being cataloged for the attorneys involved in this matter, and he commended the Board for its efforts.

cc: Jeff Green, County Counsel
File
May 4, 2004

To: File
From: Margie Williams, Clerk of the Board
Subject: SilverTip Resort Project File

This memo will serve to clarify the record for the SilverTip Resort Project file relative to the three errata pages and the page entitled, “Statement of Overriding Considerations.”

Pursuant to the minutes of the December 2, 2003 meeting for the SilverTip project, the Planning Director presented the Board with the three pages of errata. The page entitled, “Statement of Overriding Considerations” was included in the agenda package that Board received as circle page 116.

After the actions by the Board, I asked the Planning Director to provide us with clean originals of the resolutions and the ordinance, including the changes for the three errata pages, for processing which is normal practice. Our office placed the appropriate resolution/ordinance number and vote and routed the documents for the signatures by the Board Chairman and County Counsel and my signature; and then the documents were distributed to Planning and County Counsel.

I did not discover that Planning did not make the changes to the final documents to reflect the three errata pages until I received a request from County Counsel a couple of weeks ago to find the three errata pages that the December 2nd minutes referred to. At that time, I also discovered that a full copy of the agenda package that was distributed for the December 2nd meeting was still in our general filing and had not been included with the files for SilverTip that had been pulled for copying for the attorneys in this matter. This package contained the three errata pages that the Planning Director distributed on December 2nd. Upon further review, a page-by-page review, of the final documents and the agenda package that the Board received, it was discovered that the page entitled, “Statement of Overriding Considerations” was not included in the final documents that Planning presented for processing. However, this page was included as circle page 116 in the agenda package received by the Board.

The Board’s actions of December 2, 2003, included adoption of the three errata (correction) pages and the page entitled, “Statement of Overriding Considerations.”

To reiterate, the subject four pages were provided to the Board for their consideration on December 2, 2003; however, they were inadvertently left out of the final documents that the Planning Director provided to this office for final processing.