EXHIBIT 2

RESOLUTION NO. 03-443

RESOLUTION OF THE MARIPOSA COUNTY BOARD OF SUPERVISORS
ADOPTING AMENDMENT 99-1 TO THE FISH CAMP TOWN PLANNING AREA
SPECIFIC PLAN.

WHEREAS, Article 8 of Chapter 3 of Division 1 of Title 7 of the California Government
Code (commencing with Section 65450) provides for the adoption of and amendments to county
specific plans; and

WHEREAS, the County of Mariposa pursuant to Section 65450 has adopted the Fish
Camp Town Planning Area Specific Plan (the “Specific Plan”) which provides for the
amendment of the Specific Plan upon application; and

WHEREAS, the County of Mariposa has received application No. 99-01 for an
amendment to the Specific Plan relative to the development of the SilverTip Resort Project; and

WHEREAS, the Mariposa County Planning Commission conducted public hearings and,
received testimony regarding the Specific Plan Amendment; and

WHEREAS, in accordance with the California Environmental Quality Act, the Planning
Commission has recommended certification and adoption of the Environmental Impact Report
and Mitigation Monitoring and Reporting Program for the SilverTip Resort Project; and

NOW THEREFORE, BE IT RESOLVED, the Board of Supervisors of the County of
Mariposa does hereby amend the Specific Plan Map as set forth in Attachment “A,” amends,
adds, and deletes the text of the Specific Plan as set forth in Attachment “B,” and adopts the
findings set forth in Attachment “C.”

PASSED 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

[Signature]
BOB PICKARD, Chairman
Mariposa County Board of Supervisors
APPROVED AS TO FORM:

JEFFREY G. GREEN, County Counsel

ATTEST:

MARGIE WILLIAMS, Clerk of the Board
SILVERTIP RESORT VILLAGE
SPECIFIC PLAN AMENDMENT 99-1
FISH CAMP TOWN PLANNING AREA
LAND USE CLASSIFICATION MAP
EXHIBIT 2
SPECIFIC PLAN AMENDMENT #99-1
ATTACHMENT B
AMENDMENTS TO THE TEXT OF THE SPECIFIC PLAN

1. Changes in the maximum building height

Section VI.A.3.e of the Fish Camp Town Plan Specific Plan is hereby amended to read as follows:

Existing language:

VI.A.3.e - Height Standards

The vertical distance from the uphill side of a building to the highest point of a building shall not exceed 35 feet above the natural grade line. (Refer to VI.B.6.e.1 for illustration)

Amended language:

VI.A.3.e Height Standards

The vertical distance from the uphill side of a building to the highest point of a building shall not exceed 35 feet above the natural grade line (refer to VI.B.6.e.1 for illustration), except as provided below:

- The maximum height of the building itself may be increased up to 10 feet, provided the following criteria are satisfied:
  
  - The building is located in a planned unit development pursuant to an approved conditional use permit;
  
  - Any building shall be set back 35 feet from the perimeter of the Planned Unit Development zoning boundary when the building height exceeds 35 feet;
  
  - The top of the building does not extend above the height of the nearest ridge line or the average tree top height in the nearest forested area;
  
  - The property on which the building is located is not identified as a scenic vista in the Mariposa County General Plan or the Fish Camp Town Planning Area Specific Plan; and
  
  - The above height limitations may be increased up to 10 additional feet for elevators, lofts, ornamental towers, and spires upon approval by the Planning Commission.
  
  - The above-described height limitations do not apply to chimneys, flues, aerials, television antennas, and similar structures.
2. The following text shall be added to the end of section B, Transportation, on page 4:

Additional roads with through access to the Fish Camp TPA include Yosemite Mountain Ranch Road to the west and Jackson Road and White Chief Mountain Road to the east. A network of small roads, maintained by the Mariposa County Public Works Department and the Yosemite Alpine Community Service District, provides access to over 140 lots and residences within Blocks "A," "B," "C," and "D"

3. The Vegetation section shall be amended as follows:

   A. Add to the Vegetation subsection on page 6 the following text and renumber existing Table 1 on page 8, “Excerpted from Climate and Plant Climate Map of Mariposa County” as Table 3:

Vegetation/Wildlife Habitat: Habitat types in the Fish Camp TPA include woodlands, a large disturbed meadow, and riparian zones along Big Creek and its tributary drainages. The mixed conifer and hardwood forests are the habitat types of largest extent. All habitat types have been disturbed to some extent.

The Fish Camp TPA exhibits four terrestrial habitat types characteristic of mid-elevation of the Sierra Nevada. The largest natural habitat type is Sierran Mixed Conifer. Within this habitat type, conifers such as white fir (Abies concolor), sugar pine (Pinus lambertiana), incense cedar (Calocedrus decurrens), and ponderosa pine (Pinus ponderosa) dominate, while black oak (Quercus kelloggii) contributes little to the tree canopy cover. The most common shrubs in the area include mountain whitethorn (Ceanothus cordulatus), greenleaf manzanita (Arctostaphylos patula), and Sierra gooseberry (Ribes roezlii). Scouler’s willow (Salix scoulerianna) is scattered and brakenfern (Pteridium aquilinum) forms a dense understory on a portion of the northwestern Sierran Mixed Conifer area.

Table 1 below identifies the wildlife species of concern that could potentially occur in the Fish Camp TPA. However, based on biological surveys, no special status animal species have been identified in the Fish Camp TPA.

<table>
<thead>
<tr>
<th>Wildlife Species of Concern Which Could Occur in the Fish Camp Town Planning Area TPA*</th>
</tr>
</thead>
<tbody>
<tr>
<td>California Red-Legged Frog</td>
</tr>
<tr>
<td>Mountain Yellow-Legged Frog</td>
</tr>
<tr>
<td>Foothill Yellow-Legged Frog</td>
</tr>
<tr>
<td>Western Pond Turtle</td>
</tr>
<tr>
<td>Willow Flycatcher</td>
</tr>
<tr>
<td>California Spotted Owl</td>
</tr>
<tr>
<td>Great Gray Owl</td>
</tr>
<tr>
<td>Goshawk</td>
</tr>
<tr>
<td>Marten</td>
</tr>
<tr>
<td>Pacific Fisher</td>
</tr>
</tbody>
</table>
TABLE 1
Wildlife Species of Concern Which Could Occur in the Fish Camp Town Planning Area TPA*

<table>
<thead>
<tr>
<th>Scientific Name</th>
<th>Common Name</th>
<th>Federal</th>
<th>State</th>
<th>CNPS</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Gulo gulo luteus</em></td>
<td>California Wolverine</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*BBased on assessment of habitats, review of NDDB, and conversations with DFG and USFS.

Source: K&AES, Inc., Biological Resource Survey Results, April 1999

B. Revise the Rare and Endangered Plants subsection on page 7 as follows:

Rare Plant Survey: Seven special-status plant species have been identified as potential candidates for occurrence in Fish Camp TPA. These species are described in Table 2. Of the seven species, four are federal “Species of Concern” (SC), one is listed under the California Endangered Species Act as “Rare” (CR), and all are considered by the California Native Plant Society as “List IC” (plants rare and endangered in California and elsewhere).

TABLE 2
Special-Status Plant Species Identified as Potential Candidates For Occurrence in the Fish Camp TPA

<table>
<thead>
<tr>
<th>Scientific Name</th>
<th>Common Name</th>
<th>Federal</th>
<th>State</th>
<th>CNPS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clarkia australis</td>
<td>Small’s southern clarkia</td>
<td>---</td>
<td>---</td>
<td>IB</td>
</tr>
<tr>
<td>Collomia rawsoniana</td>
<td>Flaming trumpet</td>
<td>SC</td>
<td></td>
<td>1B</td>
</tr>
<tr>
<td>Eriophyllum congestii</td>
<td>Congdon’s woolly sunflower</td>
<td>---</td>
<td>CR</td>
<td>1B</td>
</tr>
<tr>
<td>Eriophyllum nubigenum</td>
<td>Yosemite yellow sunflower</td>
<td>SC</td>
<td>---</td>
<td>IB</td>
</tr>
<tr>
<td>Iviesia unguiculata</td>
<td>Yosemite moustail</td>
<td>---</td>
<td>---</td>
<td>1B</td>
</tr>
<tr>
<td>Linanthus serrulatus</td>
<td>Madera linanthus</td>
<td>SC</td>
<td>---</td>
<td>IB</td>
</tr>
<tr>
<td>Lupinus cintrinus var.</td>
<td>Orangeflower lupine</td>
<td>SC</td>
<td>---</td>
<td>IB</td>
</tr>
</tbody>
</table>

Source: K&AES, Inc., Biological Resource Survey Results, April 1999

4. New Section I, Outdoor Recreation, shall be added on page 8 and subsequent sections I, J, and K shall be renumbered as J, K and L:

I. Outdoor Recreation

The Fish Camp TPA is surrounded by a variety of recreational opportunities. As a predominantly rural county in the Sierra Nevada, the natural environment is of critical importance to Mariposa County, providing economic opportunity based on tourism, and
offering quality of life for seasonal and permanent residents. Fish Camp is located just 1.5 miles south of the Highway 41 entrance to Yosemite National Park.

Virtually surrounded by the Sierra National Forest, residents of and visitors to Fish Camp enjoy activities affiliated with the forest and wilderness. Summerdale Campground is located immediately north, between Fish Camp and Yosemite National Park. From Fish Camp, Chowchilla Mountain Road, White Chief Mountain Road, and Jackson Road provide access to multiple campgrounds within the National Forest.

The Tenaya Lodge is a full-service resort within the Fish Camp TPA. The 244 room lodge offers conference facilities, a fitness center, a restaurant, bar and grill, day spa facilities, and a deli. The Lodge bases much of its business on the recreational potential of the area, offering tours and outdoor programs that include equestrian activities, fishing, mountain biking, hiking, rafting, rock climbing, and a ropes course.

Yosemite National Park hosts approximately four million visitors per year. Yosemite has 1,200 square miles of scenic wild lands, 840 miles of trails, and 5 miles of paved bike paths. The Park offers some of the most majestic scenery in the world, with its combination of granite cliffs and peaks, waterfalls, multiple creeks, and the Merced River. During winter months, snowshoeing, ice skating, and downhill skiing are additional recreational attractions.

5. **Government Organization and Services** subsections 1 through 6 on page 9 shall be replaced with the following text:

1. **Schools**: The Fish Camp TPA is served by the Bass Lake Elementary School District and Yosemite Union High School District in Madera County. Elementary school students from Fish Camp attend Wawona Elementary School, which is located on Chilnualna Falls Road in Wawona and has a current enrollment of 20 students. (May 2000)

   The Yosemite Union High School District consists of five high schools. Three are located in Oakhurst and are attended by students from Fish Camp. These are Yosemite High School with an enrollment of 1,007; Ahwahnee High School, a continuation high school with an enrollment of 22; and Evergreen High School with an enrollment of 136. (May 2000)

2. **Law Enforcement**: The Mariposa County Sheriff’s Department provides law enforcement services for the Fish Camp Town Planning Area (TPA). The community is served from the station in Mariposa. Average response time for Fish Camp is approximately 45 minutes. The County Sheriff’s Department employs 31 sworn officers (August 2000). The Sheriff’s Department currently patrols the Fish Camp area twice a week.

3. **Fire Protection**: Structural fire protection in Fish Camp is provided by the Mariposa County Fire Department from the fire station located at Highway 41 and Summit Road in Fish Camp. The station is staffed by three volunteers on an on-call basis. Existing equipment includes one Type-1 engine, one Type-2 FOUR WHEEL DRIVE engine, and one 4,000-gallon water tender. Average response time varies depending on availability of personnel. If volunteers in Fish Camp are available during an emergency call, response time is approximately two minutes. However, if Fish Camp volunteers are unavailable, engines
are dispatched from the Cedar Valley fire station through a mutual aid agreement. In this case, the average response time is approximately 25 minutes.

The California Department of Forestry and Fire Protection (CDF) is responsible for wildland fire protection in the County. The CDF Natural Hazard Disclosure (Fire) Map indicates that the Fish Camp TPA lies within a State Responsibility Area identified as “Wildland Area That May Contain Substantial Forest Fire Risks and Hazards.” The CDF fire station nearest Fish Camp is located in Bass Lake, approximately ten miles away. The U.S. Forest Service also provides wildland fire protection for lands within the Sierra National Forest. The greatest concerns regarding wildland fires are where people live, drive, recreate, or work. Fires have the potential to spread very rapidly due to the dry vegetation, rugged topography, and in fire season, hot, dry winds. These fires can potentially result in disastrous loss of life and property. To this end, the State Board of Forestry promulgated Fire Safe Regulations that apply to State Responsibility Areas and that require certain minimum fire safety measures.

4. Road Maintenance and Snow Removal Service: Road maintenance in the Fish Camp TPA is provided by Caltrans, Mariposa County, and the Yosemite Alpine Community Service District (CSD). Caltrans provides road maintenance and snow removal for State Highway 41. The Yosemite Alpine Community Service District provides general road maintenance for the Yosemite Alpine Village subdivision.

5. Solid Waste Disposal: Solid waste from Fish Camp is hauled to the Mariposa County landfill. The Mariposa County Department of Public Works contracts with Mariposa County Total Waste Systems, Inc. to operate the landfill. The landfill is located 2.2 miles north of Mariposa on Highway 49. The landfill’s operating hours are 7:00 a.m. to 4:00 p.m. weekdays, 8:00 a.m. to 4:00 p.m. on weekends, and is closed on Wednesdays. The recycling center operates on the same hours.

The peak throughput at the landfill is 47 tons per day, although the facility can handle 60 tons per day. Current (May 2000) site capacity is 802,573 cubic yards, but ultimate capacity is 1,422,000 cubic yards. Maximum capacity for the landfill is expected to be reached in 2060. Total acreage of the landfill is 58.69 acres, but only 40.3 acres are currently used for disposal purposes. The landfill accepts construction and demolition materials, mixed municipal solid waste, sludge, tires, and other designated waste products. The landfill is inspected monthly.

The Fish Camp Transfer Station is located two miles north of Fish Camp and is open only on Sunday between 8:00 a.m. and 1:00 p.m. Although the land is owned by the U.S. Forest Service, the County operates and manages the 0.6 acre station. Actual peak throughput is 3.1 cubic yards per day, although the facility can handle a maximum of 60 cubic yards per day. The Fish Camp Transfer Station is a limited volume transfer station where mixed municipal solid waste and tires are accepted and processed for transfer to the main landfill. This facility is inspected quarterly.

6. Public Utilities: Pacific Gas & Electric Company (PG&E) provides electricity to the Fish Camp Area. Sierra Telephone provides telecommunications service, and Northland Cable TV provides cable television service. Natural gas service is not available in the area.
6. The Water subsection on pages 10 and 11 shall be replaced with the following text:

Water: The Fish Camp TPA is served by individual private wells and three community water systems which obtain water from surface springs and groundwater wells. These three systems are:

1. Fish Camp Mutual Water Company: This system serves Blocks A, B, and C of the Fish Camp Subdivision and is owned by the users (approximately 74 residences). This system also serves the general store. The water source for the system, which has a current capacity for approximately 93 connections, is three wells.

2. Yosemite Alpine Community Service District: This system was built in Fish Camp under the Community Service District Act and is operated and maintained by a Board of Directors elected by the voters in the District. The system was designed for 46 potential users in the Yosemite Alpine Village Subdivision. The water source for the Yosemite Alpine Community Service District (YACSD) is two wells.

3. Yosemite Resort Properties Water System: This system serves the former SilverTip Lodge commercial complex and a residential section of the community. The system is now owned by East-West Hospitality and is currently operated under a contract between East-West Hospitality and Robert O. Keller (the former owner of the water system). The Yosemite Resort Properties Water System serves the U.S. Post Office, the Chevron service station (currently closed), the Keller log cabin, the Winterberg parcel, and approximately 27 connections in Block D of the Fish Camp Subdivision. The current water source for the Yosemite Resort Properties Water System is two springs located in the adjacent Sierra National Forest. Well #4 serves as a back up water source for the springs. The water is chlorinated and filtered as it flows into an 85,000-gallon metal storage tank (and filtered again) before entering the distribution system.

7. New sections M, Noise and N, Agricultural and Mineral Resources, shall be added beginning on page 11:

M. Noise

The only significant source of noise in the Fish Camp TPA is traffic on Highway 41. There are no stationary sources of noise in the Fish Camp TPA other than occasional music events at Tenaya Lodge. Noise monitoring indicates that the town is not impacted by excessive noise levels from these events. The town is located approximately 24 miles from the Mariposa-Yosemite Airport and does not experience any airport noise related impacts. Table 4 describes future noise levels generated by traffic on Highway 41 in the year 2020.
### Future Traffic Noise

**TABLE 4**

**Levels - Highway 41 (Year 2020)**

<table>
<thead>
<tr>
<th>Traffic Noise Level At 75 Feet</th>
<th>Distances to Traffic Noise Contours</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>55 dBA</td>
</tr>
<tr>
<td><strong>Fish Camp Lane</strong></td>
<td></td>
</tr>
<tr>
<td>54.4 dBA</td>
<td>69’</td>
</tr>
<tr>
<td><strong>Highway 41 (North of Fish Camp Lane)</strong></td>
<td></td>
</tr>
<tr>
<td>65.5 dBA</td>
<td>378’</td>
</tr>
<tr>
<td><strong>Highway 41 (South of Fish Camp Lane)</strong></td>
<td></td>
</tr>
<tr>
<td>65.5 dBA</td>
<td>373’</td>
</tr>
</tbody>
</table>


Based upon the analysis shown in Table 4, no noise-sensitive land uses will be exposed to traffic noise levels which exceed the Mariposa County General Plan noise level criteria. Some existing residential uses adjacent to Highway 41 currently exceed the Mariposa County 60 dBA $L_{	ext{eq}}$ “Normally Acceptable” exterior noise level criterion, and will continue to exceed the criterion in the year 2020.

N. **Agricultural and Mineral Resources**

No commercial agricultural or mineral resources are known to exist in the Fish Camp TPA.

8. **New section J, Residential Density and Building Intensity Standards** shall be added to the end of Section VI, Land Use Policies and Standards, page 34:

J. **Residential Density and Building Intensity Standards**

Table 5 summarizes residential density and building intensity standards for the Fish Camp TPA:

### TABLE 5

**Residential Density And Building Intensity Standards**

<table>
<thead>
<tr>
<th>Land Use Designations</th>
<th>Maximum Residential Density</th>
<th>Non-Residential Maximum Building</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Family Res. - 5 ac min</td>
<td>One SF DU/5 ac</td>
<td>N/A</td>
</tr>
<tr>
<td>Single Family Res. - 2 1/2 ac min</td>
<td>One SF DU/2.5 ac</td>
<td>N/A</td>
</tr>
<tr>
<td>Single Family Res. - 1 ac min</td>
<td>One SF DU/1 ac</td>
<td>N/A</td>
</tr>
<tr>
<td>Single Family Res. – ½ ac min</td>
<td>One SF DU/0.5 ac</td>
<td>N/A</td>
</tr>
<tr>
<td>Multi Family Res.</td>
<td>One MF DU/5,500 square feet of lot area</td>
<td>N/A</td>
</tr>
</tbody>
</table>

Page 7 of 11
9. New section VI.1, Circulation Policies and Standards, shall be added at page 34, following section J., above, Residential Density and Building Intensity Standards.

VI.1 CIRCULATION POLICIES AND STANDARDS

A. Roadway Classification

The following defines the County’s functional roadway classification system:

State Highways: State highways are those roadways designated by the State of California as highways. Highway 41 is the only state highway in the Fish Camp TPA.

Arterial Roads: Arterial roads serve travel between populated areas and/or carry large volumes of traffic within town areas. These roads have the primary purpose of serving traffic with destinations outside the area. Traffic volumes and design speeds are high. There are no arterial roads in the Fish Camp TPA.

Collector Roads: Collector roads generally collect traffic from residential or commercial local roads, and occasionally from abutting property, and conduct that traffic to arterial roads or state highways. Summit Road is the only collector road in the Fish Camp TPA.

Minor Collector Roads: Minor collector roads collect traffic from local residential roads, and occasionally from abutting residential lots, and conduct that traffic to a higher class of road. There are no minor collector roads in the Fish Camp TPA.

Local Roads: Local Roads are intended to connect individual residences and commercial uses to the arterial and collector system. All roads in the Fish Camp TPA, other than Highway 41 and Summit Road, are local roads.

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1 FAR = Floor Area Ratio (square footage of total building floor area divided by net lot area).
2 Existing structures exceeding the 0.20 FAR may be expanded in accordance with the provisions of the Mariposa County Zoning Ordinance.
3 As long as State and County timber stocking standards are met.
4 This FAR does not apply to facilities for the production, generation, storage, or transmission of water or facilities for the production or generation of electricity in accordance with Government Code Section 53091.
B. Levels of Service

Mariposa County has established the policy that Levels of Service (LOS) “A” through “D” define adequate roadway capacity for arterial and collector roadway segments and intersections. See Table 6 below for definitions of LOS.

<table>
<thead>
<tr>
<th>Level of Service</th>
<th>Unsignalized Intersection</th>
<th>Roadway Segment</th>
</tr>
</thead>
<tbody>
<tr>
<td>“A”</td>
<td>Little or no delay.</td>
<td>Completely free flow.</td>
</tr>
<tr>
<td></td>
<td>Delay &lt; 5 sec/veh.</td>
<td></td>
</tr>
<tr>
<td>“B”</td>
<td>Short traffic delays.</td>
<td>Free flow, presence of</td>
</tr>
<tr>
<td></td>
<td>Delay &gt; 5 sec/veh and &lt; 10 sec/veh.</td>
<td>other vehicles noticeable.</td>
</tr>
<tr>
<td>“C”</td>
<td>Average traffic delays.</td>
<td>Ability to maneuver and</td>
</tr>
<tr>
<td></td>
<td>Delay &gt; 10 sec/veh and &lt; 20 sec/veh.</td>
<td>select operating speed</td>
</tr>
<tr>
<td></td>
<td></td>
<td>affected.</td>
</tr>
<tr>
<td>“D”</td>
<td>Long traffic delays.</td>
<td>Unstable, speeds and</td>
</tr>
<tr>
<td></td>
<td>Delay &gt; 20 sec/veh and &lt; 30 sec/veh.</td>
<td>ability to maneuver</td>
</tr>
<tr>
<td></td>
<td></td>
<td>restricted.</td>
</tr>
<tr>
<td>“E”</td>
<td>Very long traffic delays, failure, extreme congestion. Delay &gt; 30 sec/veh and &lt; 45 sec/veh.</td>
<td>At or near capacity, flow quite unstable.</td>
</tr>
</tbody>
</table>


A traffic analysis prepared by VRPA Technologies in 1998 (and updated in 2000) projected that at year 2020, SR 41 north of Fish Camp Lane and SR 41 south of Fish Camp Lane would operate at LOS D and the intersection of SR 41 and Fish Camp Lane would operate at LOS C. In other words, the circulation system in the Fish Camp TPA would have sufficient capacity for the proposed land uses in the Fish Camp TPA plus cumulative demands.

10. New Section F, Fire Protection and Response Measures, shall be added to the end of section VII, Issues and Opportunities, page 40:

F. Fire Protection and Response Measures

Structural fire protection in Fish Camp is provided by the Mariposa County Fire Department from the fire station at Highway 41 and Summit Road. The California Department of Forestry and Fire Protection provides wildland fire protection in the county.
Fish Camp lies within a State Responsibility Area identified as "Wildland Area that May Contain Substantial Forest Fire Risk and Hazard." Within such areas, counties are required to implement state "fire-safe" regulations.

In the event of a fire or other disaster, the County and State may require evacuation of endangered areas. The Evacuation Plan of Mariposa County outlines procedures and routes for evacuation and identifies staging areas for evacuees and emergency personnel. For Fish Camp, the Evacuation Plan identifies the following three staging areas: Tenaya Lodge, Wawona Hotel, and Station 12 (Oakhurst).

Mitigating Policies and Procedures

1. New development will be required to meet the State “SRA” Fire Safe Regulations (Title 14, Sections 1270 et seq.) with regard to emergency access (including roadway widths), signage and building numbering, emergency water standards, and fuel modification (including clearance around structures).

2. Continue to implement, periodically update, and test the County’s Evacuation Plan as it applies to the Fish Camp Area.

11. New Section E, Financing New Facilities and Services, shall be added at the end of section VIII, Specific Plan Implementation, page 43:

E. Financing New Facilities and Services

Most new facilities and services within Fish Camp will be financed privately by individual property owners. However, to the extent that new facilities and services may require financing on a community-wide basis, the County will institute the necessary financing mechanisms consistent with the following policies:

1. The County shall require that new development pays its fair share of the cost of developing new facilities and services and upgrading existing public facilities and services; exceptions may be made when new development generates significant public benefits (e.g., low income housing) and when alternative sources of funding can be identified to offset foregone revenues.

2. The County shall require a public financing plan be in place prior to the start of construction of new development to ensure that all required public improvements are adequately funded and provided in a timely manner.

12. The following references shall be added to the Bibliography, page 52:


Mariposa County, Road Improvement and Circulation Policy, September 28, 1993.


End of Text Amendment
ATTACHMENT “C”

FINDINGS CONCERNING AMENDMENT OF THE FISH CAMP TOWN AREA SPECIFIC PLAN

1. Conformance with the General Policies of the Fish Camp Town Area Specific Plan:

   a. The amendment to the Fish Camp Town Area Specific Plan ("FCSP") has been evaluated in light of the overall goals and objectives of the Fish Camp Specific Plan and the Mariposa County General Plan ("MCGP"). The Board has considered the SilverTip Project against the framework of the Fish Camp Specific Plan and the General Plan, and have determined that the amendment will further the overall goals policies and objectives of the FCSP and the MCGP in that:

   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.

   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. 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.

   The proposed amendment to the FCSP allowing for the development of the Project furthers and is consistent with the goals of the FCSP and MCGP by concentrating commercial and residential uses into the FCSP area. Amending the FCSP as proposed and bringing this commercial Project into the core of the Fish

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

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

3 See MCGP §§ 3.300(D), (G), 13.200.
Camp Town Planning Area furthers the goals of the FCSP of promoting recreation and tourism.\textsuperscript{4}

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. (See PUD/CUP conditions of approvals “COA” #64 - 68) 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{5}

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 Fishcamp 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{6}

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{7}. 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{8} Provisions to protect any special status plan species found or located during

\textsuperscript{4} See Objective 3 of the FCSP at Page 14; MCGP §§3.300(C), (G), 4.300.

\textsuperscript{5} See Objective 4 of the FCSP at Page 14; MCGP §§ 12.300, 12.400.

\textsuperscript{6} See Objective 5 of the FCSP at Page 1; MCGP § 4.300; COA #55.

\textsuperscript{7} MCGP §11.403; DEIR Figure 2-10.

\textsuperscript{8} See Mitigation Measure #03 and Conditions of Approval # 8 and 9.
construction have also been required to be implemented. 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 sensitive ecological sites prior to and during Project construction. 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.

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.

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. The Project site will include a loop road to provide access for emergency vehicles. 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. 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

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9 See Mitigation Measure #04 and Conditions of Approval #9.

10 MCGP § 7.600; See Mitigation Measure #05 and Condition of Approval #10.

11 See Objective 6 of the FCSP at Page 14; See Mitigation Measure #02R, 06R and 09R and Conditions of Approval #28, 32 and 37.

12 MCGP §§ 9.300, 9.600; See Conditions of Approval # 69, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 82 and 83.

13 See Mitigation Measures #08, 09, 10, 11, 12 and 13 and Conditions of Approval #15, 16, 17, 18, 19, 20, 21, 22, 23 and 24.

14 See Mitigation Measure #09 and Condition of Approval #14.

15 See Mitigation Measure #09 and Conditions of Approval #14, 15, 16 and 17.
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.\textsuperscript{16}

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.\textsuperscript{17}

The Project will be required to maintain standards for pollution, noise and public safety as required under the PUD/CUP conditions of approval (e.g. 19, 20, 24, 31, 32, 33 and 72) 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.\textsuperscript{18}

The text amendment to the Height Standards of the Specific Plan serves the public interest and the FCSP goals because it applies only in a planned unit development project, where it facilities the PUD objectives of preserving maximum open spaces and clustered style developments. In addition, the requirement of a PUD permit, the setback requirements and the scenic preservation standards included within the height standards text amendment will serve to preserve the value of adjacent properties, orderly growth and development, and the residential and commercial qualities of the Fish Camp community.

The balance of the text amendments to the Specific Plan, serve the public interest and the FCSP goals by ensuring that the FCSP remains internally consistent and in conformance to stature requirements for planning documents of its nature. The primary purpose of the text amendments are to update background information contained in the plan to reflect present circumstances. The revisions which propose new policies add specific maximum residential and non-residential building intensity standards for new development in the community, and add level of service standards for various types of roadways in the community. Those

\textsuperscript{16} 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.

\textsuperscript{17} See Objective 8 of the FCSP at Page 14; DEIR Table 2-1.

\textsuperscript{18} See Objective 9 of the FCSP at Page 14.
policy standards are reflective of existing law and practice in Mariposa County and do not propose any new regulations that could lead to additional direct or indirect environmental impacts.\textsuperscript{19}

b. **The amendment of the Fish Camp Town Area Specific Plan has been evaluated in light of the environmental impacts that the amendment may create and all appropriate mitigation has been accomplished in conformance with the general policies of the Fish Camp Town Area Specific Plan.**

The Board finds that the FCSP amendment is thoroughly addressed by the SilverTip EIR (see section 3.1 of the draft EIR and the revised draft EIR,) and as set forth in the CEQA findings (Exhibit 1, Attachment “A”), including the statement of overriding considerations (Exhibit 1, Attachment “C”) adopted concurrently with this findings, all appropriate and feasible mitigation measures have been adopted into and made part of the Project.

In addition, the text amendment to the Height Standards of the Specific Plan applies only in a planned unit development project, where it facilitates the PUD objectives of preserving maximum open spaces and clustered style developments, In addition, the requirement of a PUD permit, the setback requirements and the scenic preservation standards mitigate the impact of the text amendment. The remaining cumulative significant impacts are addressed in the CEQA findings, including the statement of overriding considerations (Exhibit 1, Attachment “C”),

The balance of the text amendments to the Specific Plan primarily update background information contained in the plan to reflect present circumstances. The revisions which propose new policies are reflective of existing law and practice in Mariposa County and do not propose any new regulations that could lead to additional direct or indirect environmental impacts.\textsuperscript{20}

2. **Specific Findings of Fact Concerning Amendment of the Fish Camp Town Area Specific Plan:**

   a. **The amendment of the Fish Camp Town Area Specific Plan will further the goals and objectives of the Fish Camp Specific Plan and the Mariposa County General Plan.**

\textsuperscript{19} See Mariposa County Planning Director’s Staff Report to Planning Commission dated March 1, 2003, at Page 18. See testimony of Larry Minter before County Board of Supervisors, April 22, 2003. See Revised Draft Environmental Impact Report, Section 3.3 at pp. 3-4 and 3-5.

\textsuperscript{20} See Mariposa County Planning Director’s Staff Report to Planning Commission dated March 1, 2003, at Page 18. See testimony of Larry Minter before County Board of Supervisors, April 22, 2003. See Revised Draft Environmental Impact Report, Section 3.3 at pp. 3-4 and 3-5.
The Board finds that the amendment of the Fish Camp Town Area Specific Plan is consistent with and will further the goals and objectives of the Fish Camp Specific Plan and the Mariposa County General Plan.

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.\textsuperscript{21}

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.\textsuperscript{22} 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.\textsuperscript{23}

The proposed amendment to the FCSP allowing for the development of the Project furthers and is consistent with the goals of the FCSP and MCGP by concentrating commercial and residential uses into the FCSP area. Amending the FCSP as proposed and 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.\textsuperscript{24}

\textsuperscript{21} See Objective 1 of the FCSP at Page 14; MCGP §3.300(D), (G).

\textsuperscript{22} See Objectives 2 and 10 of the FCSP at Page 14; MCGP §3.300(D).

\textsuperscript{23} See MCGP §§3.300(D), (G), 13.200.

\textsuperscript{24} 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.  

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.

Conditions upon the Project’s development have been required to preserve the fragile ecology of the community generally and specifically as related to hillside 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. Replacement provisions for any tree removed are in place as are protective measures to minimize the spread of non-native vegetation and wildlife species. Provisions to protect any special status plan species found or located during construction have also been required to be implemented. 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

25 See Objective 4 of the FCSP at Page 14; MCGP §§ 12.300, 12.400; COA #55.

26 See Objective 5 of the FCSP at Page 1; MCGP § 4.300; COA #55.

27 MCGP §11.403; DEIR Figure 2-10.

28 See Mitigation Measure #03 and Conditions of Approval # 8 and 9.

29 See Mitigation Measure #04 and Conditions of Approval #9.
sensitive ecological sites prior to and during Project construction. 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.

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.

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. The Project site will include a loop road to provide access for emergency vehicles. 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. 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

30 MCGP § 7.600; See Mitigation Measure #05 and Condition of Approval #10.

31 See Objective 6 of the FCSP at Page 14; See Mitigation Measure #02R, 06R and 09R and Conditions of Approval #28, 32 and 37.

32 MCGP §§ 9.300, 9.600; See Conditions of Approval #69, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 82 and 83.

33 See Mitigation Measures #08, 09, 10, 11, 12 and 13 and Conditions of Approval #15, 16, 17, 18, 19, 20, 21, 22, 23 and 24.

34 See Mitigation Measure #09 and Condition of Approval #14.

35 See Mitigation Measure #09 and Conditions of Approval #14, 15, 16 and 17.
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.36

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.37

The Project will be required to maintain standards for pollution, noise and public safety as required under the PUD/CUP conditions of approval (e.g. 19, 20, 24, 31, 32, 33 and 72) 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.38

The amendment to the Height Standards of the Specific Plan serves the public interest and the FCSP goals because it applies only in a planned unit development project, where it facilitates the PUD objectives of of preserving maximum open spaces and clustered style developments. In addition, the requirement of a PUD permit, the setback requirements and the scenic preservation standards included within the height standards text amendment will serve to preserve the value of adjacent properties, orderly growth and development, and the residential and commercial qualities of the Fish Camp community.

The balance of the text amendments to the Specific Plan serve the public interest and the FCSP goals by ensuring that the FCSP remains internally consistent and in conformance to stature requirements for planning documents of its nature. The primary purpose of the text amendments are to update background information contained in the plan to reflect present circumstances. The revisions which propose new policies add specific maximum residential and non-residential building intensity standards for new development in the community, and add level of service standards for various types of roadways in the community. Those policy standards are reflective of existing law and practice in Mariposa County and do not propose any new regulations that could lead to additional direct or indirect environmental impacts.

36 See Objectives 7 and 9 of the FCSP at Page 1; MCGP §§11.30, 11.401; See Mitigation Measure #11and Condition of Approval #20.

37 See Objective 8 of the FCSP at Page 14; DEIR Table 2-1.

38 See Objective 9 of the FCSP at Page 14
b. All environmental impacts associated with the amendment of the Specific Plan can be satisfactorily mitigated.

The Board finds that all feasible mitigation measures, including those associated with the Fish Camp Town Area Specific Plan have been incorporated into the Project entitlements, as reflected in the resolutions and ordinance adopted concurrently with these findings. See Exhibit 1, Attachment “A.”

The Board further finds that the term “satisfactorily be mitigated” which is encompassed in the Fish Camp Town Area Specific Plan as criteria for plan amendments (Section VIII (B)(2)(b), is intended to encompass the concept of weighing beneficial project impacts and feasibility when evaluating whether environmental impacts are “satisfactorily” mitigated. The considerations of factors reflected in a statement of overriding considerations is therefore appropriate to be considered when adopting the finding that all environmental impacts associated with the amendment of the Specific Plan can be satisfactorily mitigated.

c. The amendment of the Specific Plan will not result in the degradation of the community as a residential and commercial center.

The Board finds the amendment will permit the construction and development of the SilverTip Project, that this Project will add to the commercial uses available in Fish Camp by adding a variety of commercial housing types (lodge, cabins) to the supply already available. The Project will in fact reinforce Fish Camp as a commercial center by adding the proposed lodge and related facility.

d. The amendment of the Specific Plan is needed to promote orderly growth within the Fish Camp community.

The Board finds that historically there had been commercial uses on the site of the proposed SilverTip Project site, that in light of the Tenaya Lodge located in the same community but across the highway, there is a demand for expanded tourist oriented development in the Fish Camp Community. The site will utilize the general access points long used for the historic commercial uses on this site and includes buffers and setbacks to protect existing adjacent uses. The addition of new commercial uses, in a location where commercial uses have long existed, reflects a logical extension of historic growth patterns. The amendment allows for a commercial project which includes an integrated package of supporting infrastructure (water, wastewater and loop roads) which will accommodate orderly growth.
e. The area proposed for amendment is uniquely suited to the proposed use and density and that other areas are not presently available for such use or density.

The Board finds that it considered a range of alternatives in the FEIR (Chapter 4), both onsite and offsite, and concluded in the CEQA findings (Exhibit 1, Attachment A-(IV)) adopted concurrently with these findings, that there are no other feasible alternative sites.

In addition, 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. This Project site is well suited to avoid hillside erosion and damage as the Project site is predominantly located on relatively flat terrain. Each of these factors reflect the circumstances that the site, as authorized by the amendment, are uniquely suited for the proposed use and densities.

This finding does not apply to the consideration of the text amendments to the FCSP.

f. The amendment will not result in damage or have an adverse effect on the value of adjacent properties.

The Board has considered the report prepared by Real Property Analysts, dated January 15, 2003, and has concluded that implementation of the SilverTip Project will not result in damage or adverse effects on the values of adjacent properties. The Project includes PUD/CUP conditions of approval (e.g. 7, 8, 16, 21, 24, 36, 47, 53, 58, 60, 62, 63, 72 and 81) which enhance compatibility with and protect adjacent properties from damage.

g. The amendment will not result in an overtaxing of the existing community circulation system or create a traffic hazard.

An analysis of the circulation system is set forth in Chapter 3.6 of the FEIR, as well as Appendices S, T and U of the FEIR and the Quad Knopf Addenda. Based upon the CEQA findings (Exhibit 1, Attachment A, Analysis of Impact 3.6-1 and 3.6-2) and conditions of approval for the PUD and CUP (COA #55) adopted and approved concurrently with these findings, the Board findings that all feasible mitigation measures have been incorporated into the SilverTip Project and that the resulting circulation system will be acceptable. Based upon this evidence, the
Board determined that the traffic and circulation impacts are mitigated to a less than significant level, and that the amendment will not cause an overtaxing of the circulation system or create a traffic hazard.

3. The Board further interprets and finds that the Fish Camp Town Planning Area Specific Plan only requires that the stated findings need be made for the Plan Amendments in their totality, and are not required for each individual text change.
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: $ Annual Recurring Cost: $

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

Amount in Budget: $ Additional Funding Needed: $

Source:

Internal Transfer
Unanticipated Revenue — 4/5’s vote
Transfer Between Funds — 4/5’s vote
Contingency — 4/5’s vote

( ) General ( ) Other

CLERK’S USE ONLY:

Res. No. 99_0127

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: __________

Revised Dec. 2002
MINUTE ORDER

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 clear original 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.