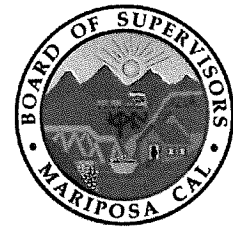




MARIPOSA COUNTY

Planning · 209-966-5151



RESOLUTION - ACTION REQUESTED 2015-425

MEETING: September 1, 2015

TO: The Board of Supervisors

FROM: Sarah Williams, Planning Director

RE: Amended Agreement and Contract for Tenaya Cabins Project EIR

2 agreements

RECOMMENDATION AND JUSTIFICATION:

Approve an Amended Agreement to Pay for Services with Delaware North; Approve an amended Contract for Services with Ascent Environmental, Inc. for Preparation of an Environmental Impact Report for the Tenaya Explorer Cabins Project; Authorize the Board of Supervisors Chair to Sign the Amended Agreement and Amended Contract.

Mariposa Planning requests the Board:

1. Approve an amended agreement to pay for services with Delaware North (DN), formerly Delaware North Parks and Resorts Tenaya, to reflect increased costs associated with groundwater study addition for the Tenaya Cabins Environmental Impact Report (EIR) and authorize the Board of Supervisors Chair to sign the Agreement; and
2. Approve an amended contract with Ascent Environmental, Inc to include the groundwater study scope of work, schedule adjustment and fee increase and authorize the Board of Supervisors Chair to sign the amended contract for the preparation of an Environmental Impact Report (EIR) for the proposed project "Tenaya Cabins", SPZA 2014-163, CUP 2014-164, and LDA 2014-165.

The amended agreement and contract replaces and supersedes the agreement and contract made on June 23, 2015.

The project proposes up to 54 cabin units, a multi-function clubhouse, outdoor entertainment and seating areas, 88 parking spaces to serve the project and a land division for a separate one-half acre residential parcel. The proposed project requires a Specific Plan Land Use Amendment, Land Division and Conditional Use Permit. An EIR is being prepared for the project. The proposed project site is a 26.89 acre parcel (APN 010-350-008) located at 1152 Highway 41, Fish Camp CA. The site is governed by the Fish Camp Specific Plan.

The existing Ascent contract included TODD Groundwater as a part of the Ascent EIR team with the scope of work limited to a review of an applicant submitted groundwater study required for the project. The applicant experienced some time constraints for hiring a firm to conduct the required groundwater study. Rather than submitting the groundwater study for review, an amendment to the Ascent EIR contract for a full

groundwater study by TODD Groundwater was proposed. The applicant, County and Ascent agreed this is an appropriate method to completing the required groundwater study for the EIR.

The proposed TODD Groundwater scope of work was reviewed by County outside legal counsel, County Environmental Health Department, Ascent and Planning staff. The scope of work for the groundwater study was found to be appropriate. Due to the scope of work change, the EIR schedule is extended from June 2016 to September 2016 and the costs are increased. The contract with Ascent is extended to January 2017 to ensure that any close out work can be done by Ascent, once the EIR is completed.

A separate budget unit exists for the Tenaya Cabins project in order to track revenue and expenditures for this project separately. The recently approved FY 2015-2016 Planning Department budget included the increased revenue and appropriations for these contract amendments (increased during budget hearings).

The Amended Agreement to Pay for Services is needed to ensure that adequate finances will be available to the County to pay the consultant and staff costs necessary for the processing of this project.

Please see the attached Memorandum for additional information.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board of Supervisors approved Resolution 2015-300 on June 23, 2015 for a contract for services with Ascent for the preparation of the EIR and a payment for services agreement with Delaware North for the Tenaya Cabins project.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

No alternatives are identified. The County must process submitted applications and the amendments are to include a required groundwater study scope of work.

Negative action would result in project processing delays and inability of County to timely process the application in accordance with CEQA and the State Permit Streamlining law.

FINANCIAL IMPACT:

Revenue and appropriations associated with the Amended Agreement and Amended Contract were approved by the Board of Supervisors for inclusion in the FY 2015-16 Budget during the recent Final Budget Hearings.

ATTACHMENTS:

Memo BOS DN Tenaya Cabins EIR Contract Amend (DOCX)
Attachment A- Amended Ascent Contract TC EIR (PDF)
Attachment B TODD Groundwater Proposal (PDF)
Attachment C- Amended Payment for Services Agreement DN TC EIR (PDF)

CAO RECOMMENDATION

Requested Action Recommended

Mary Hoelson

Mary Hoelson, CAO

8/27/2015

RESULT: ADOPTED BY CONSENT VOTE [UNANIMOUS]

MOVER: Marshall Long, District III Supervisor

SECONDER: Kevin Cann, District IV Supervisor

AYES: Smallcombe, Jones, Long, Cann, Carrier