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. 1006  
- Ord. No. 2006  
- Vote – Ayes:  
- Nocs:  
- 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
MARIPOSA COUNTY BOARD OF SUPERVISORS
ORDINANCE NO. 1000

AN ORDINANCE AMENDING THE MARIPOSA COUNTY
ZONING ORDINANCE AND ZONING MAP

WHEREAS, a property owner initiated a proposed amendment to the Mariposa County
Zoning Ordinance including an amendment to the Land Use and Zoning Maps; and

WHEREAS, this amendment amends the Mariposa County Zoning Map as shown on
Attachment “A” of this ordinance; and

WHEREAS, this amendment amends the Mariposa County Zoning Ordinance text as
shown on Attachment “B” of this ordinance; and

WHEREAS, this ordinance is based on the findings mandated by Section 17.128.050.C
of Mariposa County Code as stated and discussed in Attachment “C;” and

WHEREAS, the Planning Commission has conducted a duly noticed public hearing on
the Project in accordance with State Law and County Code, and recommends approval of the
Project to the Board of Supervisors; and

WHEREAS, the Board of Supervisors has held a duly noticed public hearing on the
matter in accordance with State Law and County Code.

NOW, THEREFORE BE IT ORDAINED, the Board of Supervisors hereby amends
the Mariposa County Zoning Map as shown in Attachment “A” of this ordinance. This
ordinance shall become effective thirty (30) days after final passage pursuant to California
Government Code Section 25123, immediately after the specific plan amendment takes effect.
PASSED AND ADOPTED on this 2nd day of December, 2003 by the following vote:

AYES: BALMAIN, BIBBY, PARKER
NOES: STETSON, PICKARD
ABSTAINED: NONE
EXCUSED: NONE
NOT VOTING: NONE

Bob Pickard
BOB PICKARD, Chairman
Mariposa County Board of Supervisors

ATTEST:

Margie Williams
MARGIE WILLIAMS, Clerk of the Board

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Jeffrey G. Green
JEFFREY G. GREEN, County Counsel
EXHIBIT 3

ZONING AMENDMENT #99-1

ATTACHMENT B

AMENDMENTS TO THE TEXT OF THE SPECIFIC PLAN IMPLEMENTING ORDINANCE

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 (Pines 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.

| Wildlife Species of Concern Which Could Occur in the Fish Camp Town Planning Area TPA* |
|---------------------------------|---------------------------------|
| California Red-Legged Frog | Rana aurora draytonii |
| Mountain Yellow-Legged Frog | Rana muscosa |
| Foothill Yellow-Legged Frog | Rana boylii |
| Western Pond Turtle | Clemmys marmorata |
| Willow Flycatcher | Empidonax traillii |
| California Spotted Owl | Strix occidentalis |
| Great Gray Owl | Strix nebulosa |
| Goshawk | Accipiter gentiles |
| Marten | Martes Americana |
| Pacific Fisher | Martes pennanti |
TABLE 1
Wildlife Species of Concern Which Could Occur in the Fish Camp Town Planning Area TPA*

California Wolverine  
*Based on assessment of habitats, review of NDDB, and conversations with DFG and USFS.  
Gulo gulo luteus  
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 congonii</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>Ivesia unguiculata</td>
<td>Yosemite mousetail</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 cinitrus var. citrinus</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 8 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 Levels - Highway 41 (Year 2020)

<table>
<thead>
<tr>
<th>Traffic Noise Level At 75 Feet</th>
<th>Distances to Traffic Noise Contours</th>
<th>55 dBA</th>
<th>60 dBA</th>
<th>65 dBA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fish Camp Lane</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>54.4 dBA</td>
<td>69’</td>
<td>32’</td>
<td>15’</td>
<td></td>
</tr>
<tr>
<td>Highway 41 (North of Fish Camp Lane)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>65.5 dBA</td>
<td>378’</td>
<td>176’</td>
<td>81’</td>
<td></td>
</tr>
<tr>
<td>Highway 41 (South of Fish Camp Lane)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>65.5 dBA</td>
<td>373’</td>
<td>173’</td>
<td>80’</td>
<td></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 Ldn “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>
<thead>
<tr>
<th>Land Use Designations</th>
<th>Maximum Residential Density</th>
<th>Non-Residential Maximum Building Intensity</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>
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 6
**Level of Service Definitions**

<table>
<thead>
<tr>
<th>Level of Service</th>
<th>Unsignalized Intersection</th>
<th>Roadway Segment</th>
</tr>
</thead>
<tbody>
<tr>
<td>&quot;A&quot;</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>&quot;B&quot;</td>
<td>Short traffic delays.</td>
<td>Free flow, presence of other vehicles noticeable.</td>
</tr>
<tr>
<td></td>
<td>Delay &gt; 5 sec/veh and &lt; 10 sec/veh.</td>
<td></td>
</tr>
<tr>
<td>&quot;C&quot;</td>
<td>Average traffic delays.</td>
<td>Ability to maneuver and select operating speed affected.</td>
</tr>
<tr>
<td></td>
<td>Delay &gt; 10 sec/veh and &lt; 20 sec/veh.</td>
<td></td>
</tr>
<tr>
<td>&quot;D&quot;</td>
<td>Long traffic delays.</td>
<td>Unstable flow, speeds and ability to maneuver restricted.</td>
</tr>
<tr>
<td></td>
<td>Delay &gt; 20 sec/veh and &lt; 30 sec/veh.</td>
<td></td>
</tr>
<tr>
<td>&quot;E&quot;</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>
<tr>
<td>&quot;F&quot;</td>
<td>Intersection blocked by external causes. Delay &gt; 45 sec/veh.</td>
<td>Forced flow, breakdown.</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:**


*End of Text Amendment*
ATTACHMENT “C”

FINDINGS CONCERNING REZONING - ZONING AMENDMENT NO. 99-1

Section 17.128.050 of Title 17, the Mariposa County Zoning Ordinance, requires that the following findings must be made in order to approve an amendment to the Zoning Ordinance and a Specific Plan:

1. The amendment is in the general public interest, and will not have a significant adverse effect on the general public health, safety, peace and welfare.

The Board of Supervisors desires to preserve the County’s rural character while allowing growth and development to occur. The County’s rural character is maintained when higher density development is placed within the County’s town planning areas where higher density should occur. This strategy helps relieve the pressure to commercialize the County’s more rural areas thereby, serving the public interest.

The Board finds, based upon the fiscal analysis by Alfred Gobar Associates (October 2000), that the SilverTip Project will generate new sales tax, occupancy tax and property tax to the benefit of the County. At the same time, the Project will increase the demand for public services. However, the revenue substantial exceeds the estimated costs at a ratio of 13.2 to 1. (Gobar, p. II-3). Therefore, the Board finds that the rezoning is in the general public interest.

In addition, rezoning the property to allow commercial development will generate new short term and long term employment opportunities, also in the general public interest.

Based upon the mitigation measures made part of the Project approval, and the conditions of approval made part of the entitlements, the Board finds that all feasible mitigation measures have been adopted and made part of the SilverTip Project (see Exhibit 1, Attachment “A” adopted concurrently with these findings), and that the Project will not have a significant adverse effect on the general public health, safety, peace and welfare.

2. The amendment is desirable for the purpose of improving the Mariposa County General Plan with respect to providing a long term guide for County development and a short term basis for day-to-day decision making.

The overall guiding policy of the Land Use Element of the General Plan as stated in Section 3.300 of General Plan is:

To promote a balanced and functional mix of land uses consistent with community values, providing guidance to public and private investment. To reflect opportunities and constraints affecting land use as identified in other elements of the Mariposa County General Plan through the establishment of an overall land use plan for the County of Mariposa.
To this end, the plan provides policies for the implementation of the Land Use Element. One of the policies was the establishment of Town Planning Areas within the County and the community of Fish Camp is one of eleven town planning areas in the County. The intent of a town planning area is stated in Section 3.401 of the General Plan as follows:

“The Town Planning Area (TPA) is designed to establish or recognize communities that serve the purposes of providing basic services and being centers of commercial and industrial activity and population concentration.”

Fish Camp has seen significant commercial development over the past 15 years with the construction of the Tenaya Lodge and the Apple Tree Inn, as well as smaller-scale commercial uses such as bed and breakfast and transient rental uses. Likewise, the community of Mariposa has also been the location of substantial commercial growth such as the general type of development proposed by SilverTip. The El Portal Town Planning Area contains a substantial hotel/restaurant/commercial complex development.

Therefore, The Board of Supervisor finds that the SilverTip Resort Village improves the General Plan as a long term policy guide because it proposes new commercial activities within the boundaries of a town planning area which are clearly identified in the County’s General Plan Section 3.401 as areas where this type of development is to be, and historically has been, located. The Board of Supervisors also finds that rezoning the property to allow a greater degree of commercial development helps to provide a long term guide for County development in that (a) the development furthers the overall goal of developing Fish Camp as a commercial center as provided in the County General Plan Section 3.401 and the Fish Camp Specific Plan in Section V, and (b) provides updated technical information to be included as part of the specific plan. In addition, the updated information will serve as a guide to other land uses proposed within Fish Camp thereby enhancing day-to-day decision making.

3. The amendment conforms with the requirements of State law and County policy.

The rezoning of property and amendments to the text of the Fish Camp Specific Plan is allowed by the General Plan and the County Zoning Ordinance as well as Section VIII.B.1 of the Fish Camp Specific Plan. The amendment was processed in accordance with state law and County Code with respect to notice, hearings, and findings. The consistency of the rezoning is addressed in Exhibit 2, Attachment “C,” parts 1a and 2, incorporated by reference herein.

4. That such an amendment is consistent with other guiding policies, goals, policies and standards of the Mariposa County General Plan.

The overall guiding policy of the Land Use Element of the General Plan as stated in Section 3.300 of General Plan is:
To promote a balanced and functional mix of land uses consistent with community values, providing guidance to public and private investment. To reflect opportunities and constraints affecting land use as identified in other elements of the Mariposa County General Plan through the establishment of an overall land use plan for the County of Mariposa.

To this end, the plan provides policies for the implementation of the Land Use Element. One of the policies was the establishment of Town Planning Areas within the County and the community of Fish Camp is one of eleven town planning areas in the County. The intent of a town planning area is stated in Section 3.401 of the General Plan as follows:

"The Town Planning Area (TPA) is designed to establish or recognize communities that serve the purposes of providing basic services and being centers of commercial and industrial activity and population concentration."

The policies and standards of a specific plan are designed to provide more specific development regulations in a particular area than those afforded in a General Plan. The specific plan is required to be consistent with the General Plan. This specific plan amendment, especially the text amendments proposed by the Project applicant and described in the RDEIR, provide additional background information on Fish Camp, and updated policies and standards. These specific plan amendments will serve to update the specific plan and will help to implement the specific plan and the general plan. The amendments are consistent with the guiding policies, goals and policies and standards contained in the Mariposa County General Plan ("MCGP") in that:

The overall guiding policy of the Mariposa County General Plan’s Circulation Element (MCGP §4.300) is satisfied by the amendments to the specific plan in that the amendment provides for the safe, efficient, and economical movement of people and goods within the County through a maintained road system. The policy that growth in the County should be developed in an orderly manner through balanced patterns of land use and transportation facilities is also satisfied by the amendments.

The overall guiding policy of the Mariposa County General Plan’s Conservation Element of providing a program for the conservation and development of natural resources is satisfied (MCGP §6.300) by the amendments to the specific plan.

The overall guiding policy of the Mariposa County General Plan’s Open Space Element (MCGP §7.600) is satisfied by the amendments to the specific plan in that the amendment provides for the enhancement of the natural open space resources of the County and includes the preservation of natural resources.
The overall guiding policy of the Mariposa County General Plan’s Noise Element (MCGP §4.300) is satisfied by the amendments to the specific plan in that the amendment provides for a preventative posture of controlling and regulating, where possible, the source of the noise in the community and provides for land uses that are compatible with existing noise sources.

The overall guiding policy of the Mariposa County General Plan’s Safety Element (MCGP §11.300) is satisfied by the amendments to the specific plan in that the amendment provides for an environment for its residents and visitors in which loss of life, injuries, damage to property, end economic and social dislocation are minimized.

The overall guiding policy of the Mariposa County General Plan’s Recreation Element (MCGP §12.400) is satisfied by the amendments to the specific plan in that the amendment provides for promotion and development of resources of the County for the benefit of the community and the touring public.

The Board of Supervisor finds that the rezoning for the SilverTip Resort Village and the amendments to the Fish Camp Specific Plan proposed in conjunction with the Project are consistent with the goals and policies of the General Plan because it provides for larger-scale commercial activities within the boundaries of a town planning area, which are clearly identified in the County’s General Plan in Section 3.401 as areas where this type of development is to be located. The amendments also provide for additional standards upon which a development project can be reviewed and conditioned.

The Board incorporates by reference the finding of Exhibit 2, Attachment “C,” parts 1a and 2.

5. The subject parcel is physically suitable (including, but not limited to access, provision of utilities and infrastructure, compatibility with adjoining land uses, and absence of physical constraints) for the requested land use designation and the anticipated land use development.

The FEIR examines the potential impacts associated with the Project. Based upon the EIR and other evidence presented to the Supervisors, the Board has determined as follows:

(a) The site can accommodate the wastewater treatment operation. See FEIR, § 3.4 and the CEQA findings regarding potential water quality impacts adopted concurrently with these findings.

(b) There is an adequate water supply, both for the Project as well as surrounding uses. See FEIR, § 3.4 and the CEQA findings regarding potential water supply impacts adopted concurrently with these findings.
(c) The Project is designed (see site plan-Exhibit 4, Attachment “A”) and includes PUD/CUP conditions of approval (55,57), which provide for safe ingress and egress, and adoption of all feasible mitigation measures which will reduce traffic and circulation impacts to a less than significant level. See CEQA findings regarding potential circulation impacts adopted concurrently with these findings Exhibit 1, Attachment “A” (III) (6).

(d) As evidenced by the approved site plan, the proposed development can be accommodated on the Project site and (i) protect the Big Creek meadow, and (ii) provide for a transitional land use of less intensive uses (the proposed cabins) at the rear, adjacent to the existing residential uses.

Based upon the foregoing determinations, the Board of Supervisors finds that the subject parcel is physically suitable for the land use designation and proposed developers.

6. **The proposed zoning is logical and desirable to provide expanded employment opportunities, or basic services to the immediate residential population or touring public.**

   The rezone of the property will allow an expanded commercial use of the site over the historical uses. The Project will provide expanded employment opportunities (DEIR p. 3-150) as well as basic services to the immediate residential population and the touring public (accommodations, restaurants, conference facilities.) The Board prefers that these new uses take place within the boundaries of the existing town planning areas. The rezone is logical and desirable to provide an expanded level of these services.

   Based upon these considerations, the Board finds that the proposed finding is logical and desirable to provide expanded employment opportunities, basic services to the immediate residential population, and touring public.

7. **That the proposed land uses would not be detrimental to adjoining land use classifications and existing uses.**

   Single family residences on one-acre parcels and resort commercial uses as identified in the Fish Camp Specific Plan could be located on the site under current zoning. The increase in Resort Commercial zoning as proposed by the applicants allows a greater intensity of development than under current zoning.
The Project contains numerous requirements designed to foster capability with adjacent uses. These include:

a. Visual compatibility (FEIR 3.7);
b. Tree and vegetation protection (COA #7, 8, 9, 13, 36 and 60);
c. Limited impacts on jurisdictional wetlands (COA #10);
d. Protection of wildlife migration (COA #12);
e. Public safety improvements (COA #14, 15, 16, 17, 18, 19, 20, 21 and 39);
f. Road maintenance (COA #24);
g. Road improvement (COA #54-57);
h. Water quality and quantity (COA #28, 29, 30, 31, 32, 33, 34, 41, 42, 43 and 44)
i. Public health (COA #46 and 84);
j. Air quality (COA #47, 51, 52 and 53);
k. Design controls (COA #58 and 59);
l. Exterior lighting restrictions (COA #63); and
m. Noise reduction (COA #69, 70, 71, 72, 74, 75, 76, 77, 78, 79, 80, 81, 82 and 90).

Therefore, the Board finds that the use would not be detrimental to adjacent land use classifications on existing uses.

8. **The proposed uses will not create a nuisance or be significantly detrimental to the health, safety and welfare of present and future residents of the area.**

The approved site plan provides for a transitional, lower intensity uses (individual cabins) at the rear, adjacent to the existing and zoned residential properties. As a result, the potential for noise conflicts is reduced. The conditions of approval include specific protections for adjacent uses. These include:

a. Visual compatibility (FEIR 3.7);
b. Tree and vegetation protection (COA #7, 8, 9, 13, 36 and 60);
c. Limited impacts on jurisdictional wetlands (COA #10);
d. Protection of wildlife migration (COA #12);
e. Public safety improvements (COA #14, 15, 16, 17, 18, 19, 20, 21 and 39);
f. Road maintenance (COA #24);
g. Road improvement (COA #54-57);
h. Water quality and quantity (COA #28, 29, 30, 31, 32, 33, 34, 41, 42, 43 and 44)
i. Public health (COA #46 and 84);
j. Air quality (COA #47, 51, 52 and 53);
k. Design controls (COA #58 and 59);
l. Exterior lighting restrictions (COA #63); and
m. Noise reduction (COA #69, 70, 71, 72, 74, 75, 76, 77, 78, 79, 80, 81, 82 and 90).
The Project has been examined extensively for visual compatibility. DEIR § 3.7-1. Based upon this analysis, the Board finds that the Project will be visually compatible with adjacent uses.

Based upon these determinations, the Board finds that the proposed uses, as limited by the various conditions of approval and mitigation measures will not create a nuisance or be significantly detrimental to the health, safety, welfare of present and future residences of the area.

9. The proposed uses will not have more than a minimal detrimental effect on property values in the area.

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.

10. The proposed uses are logical and desirable at the proposed site.

The proposed Project will strengthen and enhance the community of Fish Camp as residential and commercial center in the County, as called for in the General Plan 3.401 and Specific Plan Section V. In addition, the Project site has been the location of long time commercial uses, and the approval of the Project, while introducing an expanded use, will not introduce a new use to the community. As considered in the EIR, there are no feasible alternative sites (FEIR chapter 4; CEQA findings rejecting alternatives adopted concurrently with these findings Exhibit 1, Attachment “A,” part IV). In addition, all feasible mitigation measures have been adopted and made part of the Project conditions of approval. (CEQA findings, Exhibit 1, Attachment “A,” part III) The Board further determines that the rezoning of the property to allow a greater degree of commercial development helps to place such commercial uses in a more central location which is logical and desirable rather than spreading out commercial development in small enclaves thereby preserving the character of the County.

The Board finds that the conference facilities in the SFR zone are similar to the buildings owned by homeowner associations in numerous subdivisions throughout the County (Lake Don Pedro, Mariposa Pines, Whispering Oaks and Lush Meadows). These facilities are frequently rented out for commercial purposes unrelated to the association’s operations.

Based upon these considerations, the Board finds that the proposed uses are logical and desirable in the proposed site.
11. The proposed uses provided expanded employment opportunities or basic services to the immediate residential population or touring public.

The rezone of the property will allow an expanded commercial use of the site in relation to what could be placed on the property under current zoning. The Project will provide expanded employment opportunities (DEIR p. 3-150) as well as basic services to the immediate residential population and the touring public (accommodations, restaurants, conference facilities.) The Board prefers that these new uses take place within the boundaries of the existing town planning areas. The rezone is logical and desirable to provide an expanded level of these services.

Based upon these considerations, the Board finds that the proposed uses provide expanded employment opportunities and basic services to both existing residents and touring public.

12. No Net Loss Finding

Pursuant to Government Code section 65863, the Board has considered the effect of the restrictions imposed as part of the limitation of uses found within the PUD rezone action. The reduction in the allowed zoning uses is consistent with the general plan as set forth in Exhibit 4, Attachment C, Finding 7 of these findings. In addition, the Board finds that there are adequate remaining sites identified in the housing element to accommodate the County's share of regional housing need pursuant to Government Code section 65584.

As set forth on page 25 of the Housing Element, the County's land use designations would allow for over 43,000 single family units on 331,369 acres. An additional 61,410 acres were available for mobilehome park development. The availability of land by land use classification, and the potential development capacity is set forth on pages 27 and 28 of the Housing Element. Regional housing needs are set forth on Housing Element pages 13 and 14 (Tables 8 and 9). Even with the proposed zoning limitations on the project site (38± acres of single family residential and 11± acres of Resort Commercial), there will remain 42,962 acres available for single family and mobilehome use, and 61,401 acres remaining available for mobilehome park development. The Board therefore finds the remaining sites are adequate to meet the County's fair share of regional housing needs (1,073 units as set forth on Table 8 of the Housing Element.)

The Housing Element requires the County to encourage employee housing. The maximum density for the subject property would have been 32 dwelling units. The proposed project provides housing for 20 employees. The Board finds the rezone to be consistent with the Housing Element as well.
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, Parker.

(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
Notice of Determination

To: Office of Planning and Research
PO Box 3044, 1400 Tenth Street, Room 222
Sacramento, CA 95812-3044

☑ County Clerk
County of Mariposa
County Hall of Records
Mariposa, CA 95338

From: (Public Agency) Mariposa Planning
PO Box 2039
Mariposa CA 95338

Subject: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

SILVERTIP RESORT VILLAGE PLANNED DEVELOPMENT

Project Title

99091106

State Clearinghouse Number
(If submitted to Clearinghouse)

Eric Jay Toll
Lead Agency
Contact Person

209-966-0302
Area Code/Telephone/Extension

Highway 41 at Fish Camp Lane, Fish Camp, Mariposa County, CA

Project Location (include county)

Project Description:

137 room hotel, 30 single family cabins with transient occupancy permits. Housing for 20 employees, 9,000 square feet of new commercial, the existing commercial building used as the post office. Rezoning from RC, RES-1 to 15.73 acres of RC-PD, 29.07 acres of RES-1-PD and 2.5 acres of RES-2.5-PD

This is to advise that the County of Mariposa has approved the above described project on December 2, 2003 and has made the following determinations regarding the above described project:

1. The project [☑will ☐will not] have a significant effect on the environment.
2. [☑An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
   ☐A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [☑were ☐were not] made a condition of the approval of the project.
4. A statement of Overriding Considerations [☑was ☐was not] adopted for this project.
5. Findings [☑were ☐were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval is available to the General Public at:

Mariposa Planning 5100 Bullion St Mariposa CA 95338

Signature (Public Agency) December 2, 2003 Planning Director

Date Title

Date received for filing at OPR:

Revised May 1999

Governor's Office of Planning and Research
COUNTY OF MARIPOSA
P.O. Box 784, Mariposa, CA 95338 (209) 966-3222

MARIPOSA COUNTY BOARD OF SUPERVISORS

AMENDED
MINUTE ORDER

TO: ERIC TOLL, Planning Director

FROM: MARGIE WILLIAMS, Clerk of the Board

SUBJECT: BOARD ACTION ON THE SILVERTIP RESORT PLANNED DEVELOPMENT Ordinance No. 1000

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on December 2, 2003

ACTION AND VOTE:

11:19 a.m. Eric Toll, Planning Director;
Board of Supervisors Public Workshop Relative to the Final General Plan Covering Chapters 2, 3, and 4; Guiding Principles; Administration; and Continuation, if Needed of Chapter 8; Housing. Possible Board Direction Setting Future Workshop Schedule

BOARD ACTION: Chairman Pickard advised that the Board would continue with its review of Chapter 8/Housing Element, and that public input would be taken with the review of each section. The following sections were reviewed:

8.8 Non Governmental Constraints
8.8.01 Environmental Features – No changes were made.
   A. Geologic Hazards – No changes were made.
   B. Soils with Low Permeability Rates – Ken Melton suggested that septic systems be clarified to reflect “standard” septic systems. Jeff Green, County Counsel, suggested that “conventional” be used, and the Board concurred.

C. Excessive Slope – Discussion was held.
   Don Starchman stated he feels the 15 percent slope limitation would have an affect on the field of dreams project. He commented that driveways do not go straight up hillsides, but follow the terrain.
   The Board concurred with deleting “Excessive” from the title; and with changing the end of the first sentence to read “…site preparation and sewage disposal become more difficult than usual.”
   Ken Melton stated he feels this section could be written better and clarified that 15 percent is excessive for multi-family and not single-family construction. He cited the Campbell Tract subdivision as an example of single-family homes on 20-25 percent slope, and Terrace View on 18-20 percent slope.
8.8.02 Interest Rates and Availability of Financing – The Board concurred with changing line 1070 to read “In the County there is no evidence that home financing…”

8.8.03 Land and Construction Costs – No changes were made.

A. Land Costs – Supervisor Bibby asked about the accuracy of the data. Eric will try to obtain current data. Supervisor Parker suggested that the section reference the data as being current as of a specific time period.

Ken Melton commented and stated he feels the language is unclear in the last sentence. Eric advised that “lot” should be replaced with “acre.”

B. Construction Costs – Eric advised that he will update the data in this section.

Don Starchman questioned whether governmental incentives will be available in the future. Supervisor Pickard requested that reference to the Proposition 42 funding incentive program be included, along with the Proposition date and title.

8.8.04 Services

A. Water Supply – No changes were made.

A(1) Mariposa Town Planning Area – Supervisor Stetson questioned the information on the water supply and pressure zones. Eric advised that he will rewrite this information. On line 1182, “swells” was corrected to read “wells.”

A(2) Coulterville Town Planning Area – On line 1202, “wells” was corrected to read “well.”

A(3) Ponderosa Basin – No changes were made.

A(4) Yosemite West – No changes were made.

A(5) Fish Camp/[a] Yosemite Alpine Village Community Services District and [b] Fish Camp Mutual – No changes were made.

A(6) Mariposa Pines – No changes were made.

B. Community Sewer Service – Following discussion, direction was given for Eric to check and verify the information in this section. On line 1250, “server” was corrected to reflect “sewer.”

Don Starchman noted that the timeframe for the Yosemite West wastewater treatment plant needs to be updated; and he questioned the language for the Lake Don Pedro sewage disposal facility – Board concurred with updating the timeframe information for Yosemite West, and with stating that “Programs are underway for the Lake Don Pedro sewage disposal facility.”

Ken Melton clarified that the paragraph relative to MPUD will be rewritten in cooperation with the MPUD Manager.

The workshop was continued to the afternoon.

2:14 p.m. The Board reconvened in open session, and Chairman Pickard announced that direction was given to staff as a result of the closed session.

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)

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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.