

EXHIBIT 6

RESOLUTION NO. 03-446

**RESOLUTION OF THE MARIPOSA COUNTY BOARD OF SUPERVISORS
APPROVING LAND DIVISION APPLICATION #1511**

WHEREAS, on May 7, 1999, an application for Land Division Application #1511 for the SilverTip Resort Project was filed and submitted to the County of Mariposa in accordance with the policies of Mariposa County; and

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

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

WHEREAS, a tentative parcel map has been requested and is required by the SilverTip Resort for the Project in accordance with the regulations of the Mariposa County Code; and

WHEREAS, public hearings were held by the Planning Commission and Board of Supervisors after providing all proper notice as required by State Law and the Mariposa County Code at which time any and all members of the public were allowed to comment on Land Division Application # 1511; and

NOW THEREFORE, BE IT RESOLVED that the Board of Supervisors does hereby approve the tentative map set forth in Attachment "A," adopts the conditions of approval set forth on Attachment "B," subject to the findings set forth on Attachment "C." This approval shall not take legal effect until the SilverTip Specific Plan amendment takes effect.


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

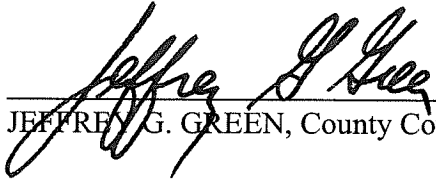
ABSTAIN: NONE

ABSENT: NONE




BOB PICKARD, Chairman
Mariposa County Board of Supervisors

APPROVED AS TO FORM:



JEFFREY G. GREEN, County Counsel

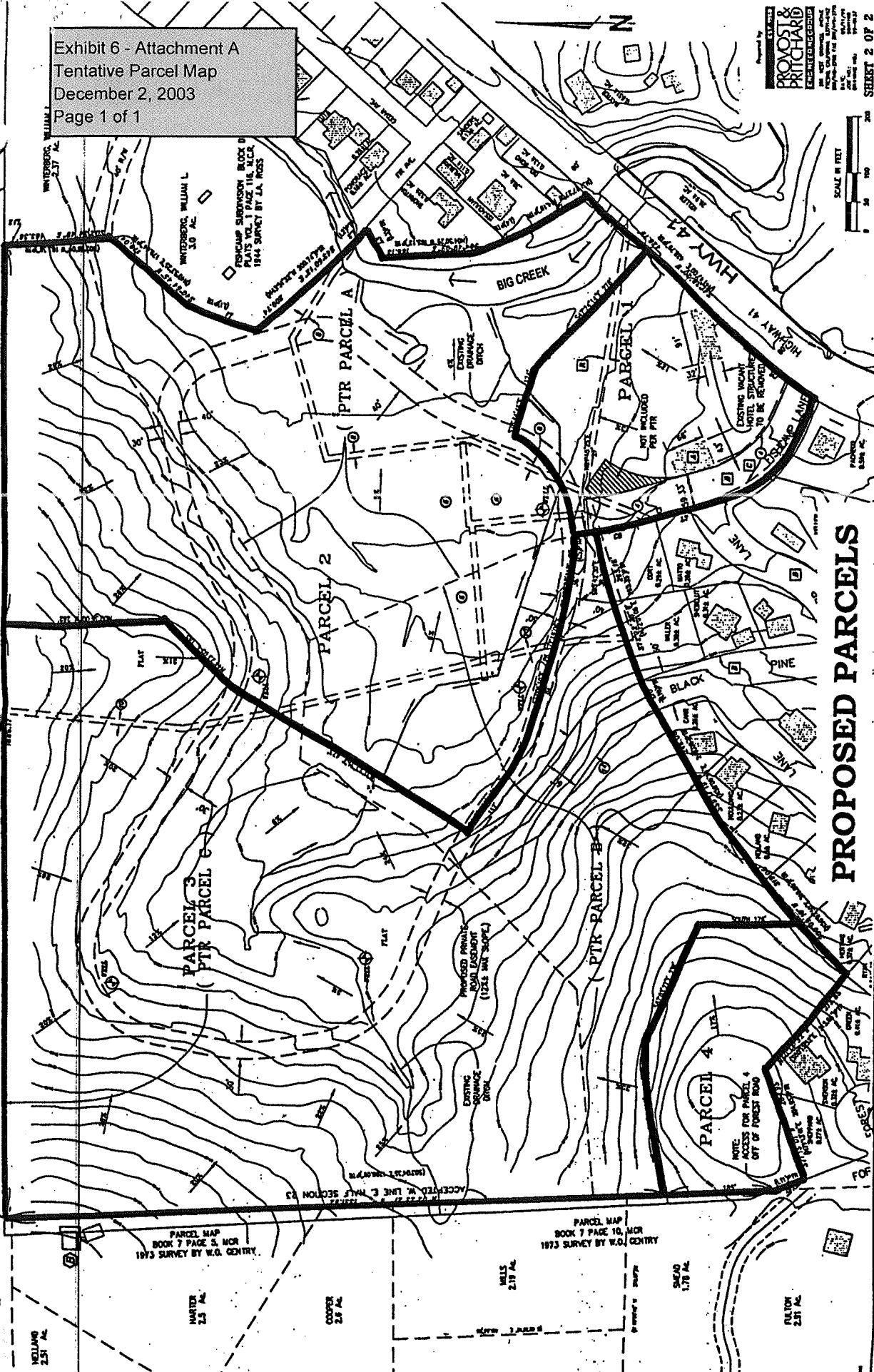
ATTEST:



MARGIE WILLIAMS, Clerk of the Board

Exhibit 6 - Attachment A
 Tentative Parcel Map
 December 2, 2003
 Page 1 of 1

Prepared by
PROXOST & PRITCHARD
 LICENSED SURVEYORS
 1000 N. 10th St., Suite 100
 Fargo, ND 58102
 (701) 785-1111
 SHEET 2 OF 2



PROPOSED PARCELS

**EXHIBIT 6: LAND DIVISION APPLICATION
 ATTACHMENT A: TENTATIVE MAP**

PARCEL MAP
 BOOK 7 PAGE 5, MCR
 1973 SURVEY BY W.O. GENTRY.

PARCEL MAP
 BOOK 7 PAGE 10, MCR
 1973 SURVEY BY W.O. GENTRY

MELAND
 2.51 AC.

HARTER
 2.5 AC.

COVER
 2.4 AC.

MILLS
 2.19 AC.

SHAW
 1.78 AC.

FULTON
 2.71 AC.

EXHIBIT 6
LAND DIVISION APPLICATION #1511
ATTACHMENT B
CONDITIONS OF APPROVAL

1. The parcel map shall depict an access easement in favor of Yosemite Alpine Community Services District and all other public and private utility owners with facilities crossing the subject property. The easements may be limited to maintenance and operation of wells, pipelines and electric lines. Easements shall of adequate width to permit equipment access as may be determined by the County Public Works Department.
2. The road or driveway easement containing the Fish Camp Lane shall be a minimum 60 feet wide non-exclusive easement shall include an irrevocable offer for dedication to the County of Mariposa for “public road and utility purposes.”
3. Prior to the submittal of the parcel map, the subdivider shall improve or post adequate improvement security for the improvement of the interior loop road as designed by a professional engineer appropriately licensed in the state of California to be contained within the easement shall be improved to a Town Class III (minimum 24-foot paved width) where the roadway is two way and a minimum of 16 feet wide where the roadway is one-way. The roadway surface shall be paved with asphalt or concrete and striped accordingly. Signage shall be installed identifying the one-way and two-way portions of the roadway and signage shall be approved by the Public Works Department prior to the issuance of a certificate of occupancy for any structure on the property.
4. Prior to the submittal of the parcel map, the subdivider shall improve or post adequate improvement security for the improvement of the interior loop road as designed by a professional engineer appropriately licensed in the state of California a vehicle turnout to be sited at the midway point of the one-way portion of the interior loop road. The turnout shall be a minimum of 10 feet wide and 30 feet long with a minimum 25-foot taper on each end.
5. The parcel map shall depict access to Parcel 4 from Forest Drive to be shown to be adequate for residential access pursuant to Public Resources Code Section 4290 for Fire Safe Standards.
6. Prior to the submittal of the parcel map, the subdivider shall improve or post adequate improvement security for the improvement of the access to Parcel 4 as designed by a professional engineer appropriately licensed in the state of California to be improved to a Rural Class I standard as identified in the Mariposa County Improvement Standards.

7. Prior to the submittal of the parcel map, the subdivider shall submit for the approval of the Planning Director road names for the onsite loop road and other access roads depicted on the parcel map.
8. Prior to the submittal of the parcel map, the subdivider shall install or post adequate improvement security for the installation of all road signage in conformance with the requirements of the Director of Public Works.
9. Prior to the submittal of the parcel map, the permit holder shall submit a copy of the Covenants, Conditions, and Restrictions for Parcels 1, 2, and 3. At a minimum, the Covenants shall be binding on all owners, successors, and heirs, and shall run with the land in perpetuity. The Covenants shall include, at a minimum:
 - a. A requirement for a property owner association. The association shall be required to enter into an agreement with an independent management appropriately licensed by the State of California and approved by the County for the ongoing and permanent maintenance of an escrow account for Association funds.
 - b. Formation of a mandatory road maintenance association prior to the use or occupancy of any structures on the subject property comprised of parcels 1, 2, and 3.
 - c. A defined annual maintenance assessment prepared by an engineer appropriately licensed in the State of California estimating the annual cost for road maintenance, drainage maintenance and repair, maintenance of road surface, erosion control devices, fuel modification, and other maintenance associated with the road and its signs, lighting, and other infrastructure and road amenities.
 - d. A requirement that prior to the submittal of the parcel map, the subdivider shall deposit the first year's road maintenance assessment into the escrow account.
 - e. Formation of a mandatory infrastructure management association for the operation, maintenance, repair, monitoring, and testing of the potable water, fire water system, and wastewater collection and treatment infrastructure.
 - f. A defined annual infrastructure management assessment prepared by an engineer appropriately licensed in the State of California estimating the annual cost for infrastructure operations, maintenance, repair, monitoring, and testing of all infrastructure associated with water and wastewater.
 - g. A requirement that prior to the submittal of the parcel map, the subdivider shall deposit the first year's infrastructure management.
 - h. A requirement for mandatory maintenance of all installed landscaping and native vegetation retaining landscaping in a vigorous and healthy condition in perpetuity.
 - i. A provision allowing any member of the association to undertake maintenance, replacement, and upkeep of landscaping when any other member of the association allows landscaping to deteriorate or die.

- j. A provision allowing the member undertaking the landscape maintenance to file for reimbursement from the escrow account and authorize the escrow agent to lien and litigate the offending property owner.
10. Prior to the submittal of the parcel map, all required improvements shall conform to the Mariposa County Improvement Standards.

ATTACHMENT "C"

**FINDINGS IN SUPPORT OF APPROVAL
OF LAND DIVISION APPLICATION #1151**

For purposes of these findings, the reference to Conditions of Approval or COA refer to the conditions of approval attached to the CUP and Planned Development Permit.

1. The site is physically suitable for the type of development proposed.

The approved site plan allows for the lodge center to be constructed away from Big Creek, while also protecting meadow resources. In addition, the Project only requires that .05 acres of jurisdictional wetlands be impacted, thereby protecting water quality resources.¹

Historically, commercial uses existed on site.²

The approved site plan allows for a balance of open space and improved uses.

Access can be provided on site to all units and Project phases in a form and design meeting the requirements of the Public Works Department and the County Fire Chief.³

The proposed Project includes a comprehensive water and wastewater infrastructure system, thereby providing the evidentiary support that the Project site can accommodate both water and wastewater demands.⁴

The proposed Project is mandated by conditions of approval to provide potable water and fire protection water in a storage and delivery system meeting the requirements of the County Health Department and the County Fire Chief.⁵ There is evidence that the Project

¹ See EIR section 3.2-4.

² Presentation by PacificUS to the Board of Supervisors, April 22, 2003.

³ See Mitigation Measures #08-12 and Conditions of Approval #14, 16 and 21.

⁴ See EIR section 3.4.1, EIR appendix materials I, J, K, L, M, N, O, P and Q. Testimony of Ken Schmidt and Dana Ripley before the Board of Supervisors, April 22, 2003. See Analysis of Environmental Effects Related to Changes in the Number of Employees Required for Operation of SilverTip Resort Village Facilities, EIR Addendum prepared by Quad Knopf, Inc. for Mariposa County, September 2003.

⁵ See Conditions of Approval #15, 16, 17, 18, 19 and 33.

site can provide the water supplies necessary to provide adequate flows for fire protection.⁶ A minimum 410,000 gallon system with delivery pressure and fixtures meeting NFPA code requirements is specified.⁷

The proposed Project, through the incorporation of the PUD permit standards, complies with all setback requirements of Title 17, Mariposa County Code, Zoning and the Fish Camp Town Plan Specific Plan as provided for by COA #6. No special setback waivers or variances are required.

2. The Design and Improvement of the Proposed Division is Consistent with the General Plan and Specific Plan.

The Land Division which accommodates the SilverTip Project, with adoption of the proposed Specific Plan amendments, is consistent with the goals, policies, and general implementation of the Mariposa County General Plan and the Fish Camp Town Plan Specific Plan. Consistency findings are set forth in Exhibit 2, Attachment "C," parts 1a and 2, incorporated by reference herein.

The Specific Plan is amended concurrently with this resolution. This amendment specifically permits the land uses contemplated by the SilverTip Project (improvements and design).

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.⁸ 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.⁹

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

⁶ See EIR Section 3.4.1, EIR appendix materials I, J and K.

⁷ See Condition of Approval #39.

⁸ See Objectives 2 and 10 of the FCSP at Page 14; MCGP § 3.300(D).

⁹ See MCGP §§ 3.300(D), (G), 13.200.

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.¹⁰

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.¹¹

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. 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.¹²

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.¹³

As required under the goals of the FCSP, public services such as fire protection, road,

¹⁰ See Objective 4 of the FCSP at Page 14; MCGP §§ 12.300, 12.400; Conditions of Approval #64-68.

¹¹ See Objective 5 of the FCSP at Page 1; MCGP § 4.300; Conditions of Approval #54-57.

¹² See Objective 6 of the FCSP at Page 14; See Mitigation Measure #02R, 06R and 09R and Conditions of Approval #28-34 and 37.

¹³ See MCGP §§ 9.300, 9.600; See Conditions of Approval #69-82.

water, sewer and snow removal will also be increased as a result of this Project.¹⁴ The Project site will include a loop road to provide access for emergency vehicles.¹⁵ 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 or provide equivalent public safety protection.¹⁶ This additional fire protection infrastructure as well as emergency vehicles created and purchased by the Project developer will, following approval by the Mariposa County Fire Department, become the property of the County and serve all area residents. In addition to emergency vehicles and fire suppression infrastructure, the Project developer will be required to provide staffing to supplement existing paid and volunteer staff for fire suppression and emergency medical response.¹⁷

3. The Proposed Map is consistent with the General Plan and Specific Plan.

The proposed map accommodates the SilverTip Project. The General Plan and specific plan, the latter as proposed to be amended concurrently herewith, will explicitly allow by map and text the proposed SilverTip Project. The explicit basis for finding consistency is set forth in Exhibit 2, Attachment "C," parts 1a and 2.

4. The site is physically suited for the proposed density of development.

As reflected in the approved site plan, the Project site provides for a balance of open space and developed uses. The lodge is set back from Big Creek.¹⁸ The Project impacts only .05 acres of jurisdictional wetlands.¹⁹

Conditions of Project approval provide that the development of the Project site shall be consistent with the Project plans. All Project structures will be required to adhere to setback standards contained within Section VI.A.3b of the Fish Camp TPA Specific Plan.²⁰ Building and grading permits will not be issued for any structure that violates setbacks requirements.²¹

¹⁴ See Mitigation Measures #08-13 and Conditions of Approval #15-24.

¹⁵ See Mitigation Measure #09 and Condition of Approval #14.

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

¹⁷ 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.

¹⁸ As shown on the approved site plan.

¹⁹ See Condition of Approval #10.

²⁰ See Condition of Approval #1.

²¹ See Conditions of Approval #1, 4 and 5.

Aesthetic impacts will be mitigated with the use of landscaping with native coniferous species and shall be installed in a manner designed to screen views of the Project and to enhance the natural setting, and to reduce the light and glare on adjacent properties.²² The Project density leaves sufficient undeveloped areas to accommodate mitigation of noise impacts through screening and buffering.²³ As demonstrated by the approved Project elevations and artist renderings, along with the visual analysis,²⁴ the site can accommodate the development Project with attenuation of visual effects on adjacent land uses and highway travelers.

- 5. The design or the subdivision and proposed improvements are not likely to cause substantial environmental damage or substantially cause and avoidably injure fish or wildlife or their habitat, except as recognized as unmitigated impacts and the statement of overriding considerations.**

Government Code section 66474.1 allows for a tentative map to be approved, notwithstanding the adverse impacts to wildlife, fish or habitat, as long as the Board adopts a statement of overriding considerations. As reflected in the EIR and Exhibit 1, most, but not all of the impacts of the Project are mitigated to a less than significant level, however, unmitigated impacts can occur to wildlife. Notwithstanding express recognition of these impacts, the Board has elected to adopt a statement of overriding considerations, as more specifically set forth in Attachment "C" to Exhibit 1, and upon those determinations, makes the finding set forth above.

- 6. The design of the subdivision or the proposed improvements are not likely to cause serious public health problems.**

The Board has reviewed the water and wastewater studies included as part of the EIR.²⁵ This analysis, along with the conditions of approval, support the conclusion that there is adequate water resources available not to cause public health problems. Likewise, the Board finds that this evidence supports the conclusion that the Project site can safely accommodate the wastewater treatment system. The conditions of approval require that

²² See Conditions of Approval #62 and 63.

²³ See EIR section 3.9, approved site plan, Conditions of Approval #69-82.

²⁴ See EIR part 3.7.

²⁵ See EIR Section 3.4.1, EIR appendix materials I, J, K, L, M, N, O, P and Q. Testimony of Ken Schmidt and Dana Ripley before the Board of Supervisors, April 22, 2003. Exhibit 6, Attachment "C," p. 5, footnote 25. At the end add the sentence, "*See Analysis of Environmental Effects Related to Changes in the Number of Employees Required for Operation of SilverTip Resort Village Facilities, EIR Addendum prepared by Quad-Knopf, Inc. for Mariposa County, September 2003.*"

adequate fire protection facilities and services be included.²⁶ The conditions of approval also require improvements to be installed by the developer to assure adequate traffic connection to Highway 41.²⁷

7. The design of the subdivision will not conflict with easements, acquired by the public at large, for access through, or use of property within the proposed subdivision.

There was no evidence presented to the County of easements acquired by the public at large for access through, or for the use of the property within the subdivision. In addition, the conditions of approval require verification and protection of other easement interests.²⁸

²⁶ See Conditions of Approval #14-21 and 39.

²⁷ See Conditions of Approval #54 and 55.

²⁸ See Conditions of Approval #25, 26 and 27.

DEPARTMENT: Planning

BY: Eric Jay Toll
PHONE: 966-0302

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: \$ _____		List Attachments, number pages consecutively _____
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. See No Ord. No. 1000
 Vote - Ayes: _____ Noes: _____
 Absent: _____
 () Approved
 Minute Order Attached () No Action Necessary

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

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

By: _____
Deputy

COUNTY ADMINISTRATIVE OFFICER:

_____ Requested Action Recommended
 No Opinion

Comments: _____

CAO: PHI



COUNTY OF MARIPOSA

P.O. Box 784, Mariposa, CA 95338 (209) 966-3222

BOB PICKARD, CHAIR
GARRY R. PARKER, VICE-CHAIR
LEE STETSON
DOUG BALMAIN
JANET BIBBY

DISTRICT V
DISTRICT IV
DISTRICT I
DISTRICT II
DISTRICT III



MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: ERIC TOLL, Planning Director

FROM: MARGIE WILLIAMS, Clerk of the Board *MW*

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

Mariposa County Board of Supervisors



District 1 LEE STETSON
District 2 DOUG BALMAIN
District 3 JANET BIBBY
District 4 GARRY R. PARKER
District 5 BOB PICKARD

RICHARD H. INMAN
County Administrative Officer

MARGIE WILLIAMS
Clerk of the Board

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May 4, 2004

To: File
From: Margie Williams, Clerk of the Board *MW*
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.

