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DEPARTMENT: Planning

BY: Eric Jay Toll, Planning Director
PHONE: 966-0302

RECOMMENDED ACTION & JUSTIFICATION:

Adopt a Resolution denying the appeal and upholding the Planning Director's determination that the Approved Tentative Tract Map for South Shore Club at Lake Don Pedro expired on December 12, 2002. The South Shore Club Project is located on a 2000-acre site, in both Mariposa and Tuolumne Counties, westerly of Don Pedro Subdivision parcels and Highway 132, and southerly of Bonds Flat Road. The 750-acre portion of the project site in Mariposa County is assessed in Tuolumne County and has no Mariposa County Assessor's Parcel Number assigned.

The recommendation is based upon information contained in the staff report.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

- November 24, 1987 · The Board approved General Plan/Zoning Amendment No. 86-2 and Specific Plan/Planned Development Zone No. 86-2 for the South Shore Club at Lake Don Pedro by Resolution No. 87-445 and Ordinance No. 699.
- This action made effective the Planning Commission's approval of Major Subdivision No. 12-7-87 by Planning Commission Resolution No. 88-13.
- The action by the Board included certification of an Environmental Impact Report (EIR) for the project.
- July 12, 1988 · The Board of Supervisors approved an amendment to the Specific Plan by Resolution No. 88-376.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Alternatives would include adoption of resolution upholding the appeal and reversing Planning Director's action. This would result in the applicant being able to complete the processing of this phase of the map, and extending the time frame for completion of the next map phase by 3 years.

Financial Impact? () Yes (X) No	Current FY Cost: \$	Annual Recurring Cost: \$
Budgeted In Current FY? () Yes (X) No () Partially Funded		
Amount in Budget: \$ _____		List Attachments, number pages consecutively
Additional Funding Needed: \$ _____		Staff Report to Board with Attachments:
Source:		1. Maps 2. Chronology 3. Project Conditions
Internal Transfer _____		4. Planning Director Determination 5. Sewage
Unanticipated Revenue _____ 4/5's vote		Disposal Information 6. NOTICE OF APPEAL
Transfer Between Funds _____ 4/5's vote		7. Deferred Improvements Value 8. Other Conditions
Contingency _____ 4/5's vote		9. Tuolumne County Information 10. Credit
() General () Other		Information

CLERK'S USE ONLY:

Res. No. 03-112 Ord. No. _____
 Vote - Ayes: _____ Noes: _____
 Absent: _____
 Approved
 Minute Order Attached No Action Necessary

COUNTY ADMINISTRATIVE OFFICER:

_____ Requested Action Recommended
 _____ No Opinion
 Comments:

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

CAO: [Signature]



COUNTY of MARIPOSA

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

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MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: ERIC TOLL, Planning Director

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

SUBJECT: APPEAL NO. 2003-038; APPEALING THE PLANNING DIRECTOR'S DETERMINATION THAT THE APPROVED TENTATIVE TRACT MAP FOR MAJOR SUBDIVISION NO. 12-07-87 HAS EXPIRED
Resolution No. 03-112

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on April 8, 2003

ACTION AND VOTE:

2:55 p.m. Eric Toll, Planning Director;

PUBLIC HEARING to Consider Appeal of the Planning Director's Determination that the Approved Tentative Tract Map for Major Subdivision No. 12-07-87, the South Shore Club Project at Lake Don Pedro, Expired; James A. McKelvey, Esq. for South Shore Ranches LLC & JMZ Development Co., Appellant (Continued from March 25, 2003)

BOARD ACTION: Eric Toll presented the staff report, and he advised that as of this date all of the information has now been received to move this project forward, except for the Regional Water Quality Control Board's permit portion and there is allowance under the law for this portion to be extended. Staff responded to questions from the Board relative to the history of the project and whether current conditions need to be met; status of the boundary issue between Mariposa and Tuolumne counties; status of the wastewater treatment plant and the Community Services District; status of the Regional Water Quality Control Board's review of the project; Letter of Credit for the first 28 units and future phases; and relative to the status of the timeframes for meeting requirements.

The public portion of the hearing was opened and input was provided by the following:

- Jim McKelvey, Attorney for the applicant, stated he will not review the long history of the project since the Board is well-briefed. He advised that Leo Peterson, one of the original partners for the project is present today, with his dream that began sixteen years ago to create this project. He noted that a large period of the delay was due to a portion of the property being under the Williamson Act, and that needed to expire before the State Water Board would look at the application. He reviewed their efforts to meet subsequent requirements and conduct studies for the project. He advised that they have now been accountable to all of the standards, and he asked that the Board find that the application is complete. He also noted that a builder is present that wants to help with this project.

- Leo Peterson, co-manager for the project, stated they have spent seven million dollars on this project, plus the cost of the land. He referred to the success of a neighboring project – the Seven Legends, and he stated they want to move this project along.

- Lester Allens, developer, stated they started the Seven Legends project about three years ago, and it is going well. He advised that they have signed a Joint Venture Agreement with South Shore to complete the project as designed.

The public portion of the hearing was closed and the Board commenced with deliberations. Staff responded to questions from the Board relative to the amount of the Irrevocable Letter of Credit; relative to phasing the portion of the project in Tuolumne County; relative to the County's exposure on this project if conditions are not met; and relative to the differences between current standards and the standards that apply to this project. Dana Hertfelder, Assistant Public Work Director, responded to a question from the Board relative to changes in the road standards conditions from when this project was first submitted. Staff responded to additional questions from the Board relative to phasing the project and timeframes; and whether everything is okay with Tuolumne County. Jeff Green, County Counsel, responded to a question from the Board relative to the Board being able to find that there was substantial compliance by the applicant on December 12.

(M)Balmain, (S)Stetson, Res. 03-112 was adopted upholding the appeal and over-turning the Planning Director's determination that the approved Tentative Tract Map for South Shore Club at Lake Don Pedro expired on December 12, 2002. Further discussion was held. The motion was amended, agreeable with the maker and the second, to include approval in concept of the Deferred Improvement Agreement and Letter of Credit that were included with the agenda material. Ayes: Stetson, Balmain, Bibby, Parker; Excused: Pickard. The hearing was closed.

cc: Jeff Green, County Counsel
 Jim Petropulos, Public Works Director
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