

Mariposa County  
Planning Department  
P.O. Box 2039  
Mariposa, CA 95338-2039

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**STATE OF CALIFORNIA  
COUNTY OF MARIPOSA  
PLANNING COMMISSION**

Resolution  
No. 12-008

A resolution approving Time Extension Application No. 2012-048, CRE LJ CA LLC (assigned by PacificUS Real Estate Group), applicant. Assessor Parcel Numbers 010-550-066, 010-550-063, and 010-550-064.

WHEREAS an application for Time Extension No. 2012-048 was received on March 28, 2012 from PacificUS Real Estate Group for property located at 7733 and 7739 Fish Camp Lane, and 7625 Forest Lane; and

WHEREAS Planned Development No. 99-1 and Conditional Use Permit No. 267 were conditionally approved by the Mariposa County Board of Supervisors with findings and conditions effective on May 12, 2004 by Resolution No. 03-444 and 03-445; and

WHEREAS these projects are known as the SilverTip Resort project; and

WHEREAS the expiration date for Planned Development No. 99-1 and Conditional Use Permit No. 267 is currently June 14, 2012; and

WHEREAS the time extension application proposes an amended development schedule and a two (2) year time extension for activation of Planned Development No. 99-1 and Conditional Use Permit No. 267; and

WHEREAS the application is submitted pursuant to the Fish Camp Specific Plan, Appendix IV, Section I.O; and

WHEREAS an Environmental Impact Report (EIR) was prepared for the SilverTip Resort project; and

WHEREAS the Board of Supervisors adopted Resolution No. 03-442 on the 2<sup>nd</sup> day of December 2003 certifying the EIR for the SilverTip Resort project and adopting findings, a Mitigation Monitoring and Reporting Program, and Statements of Overriding Consideration; and

WHEREAS the Board of Supervisors adopted Resolution No. 2010-518 on the 9<sup>th</sup> day of November 2010 approving Amended Site Plan Application No. 2009-124 with findings and amended conditions for the SilverTip Resort project; and

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WHEREAS the Planning Department circulated Time Extension Application No. 2012-048 among trustee and responsible agencies; and

WHEREAS a duly noticed public hearing for Time Extension Application No. 2012-048 was scheduled for the 18<sup>th</sup> day of May 2012; and

WHEREAS a Staff Report was prepared pursuant to the California Government Code, Mariposa County Code, and local administrative procedures; and

WHEREAS a Notice of Exemption was prepared for Time Extension Application No. 2012-048 pursuant to the California Environmental Quality Act (CEQA); and

WHEREAS the Planning Commission did hold a public hearing on the noticed date and considered all of the information in the public record, including the Staff Report, the Notice of Exemption, testimony presented by the public concerning the application, and the comments of the applicant; and

WHEREAS the Planning Commission's action is only on the application for the time extension; the Planning Commission's action does not change the status of or verify compliance with any conditions of the project.

BE IT THEREFORE RESOLVED THAT the Planning Commission of the County of Mariposa does hereby approve Time Extension Application No. 2012-048, granting a two year time extension for the activation of Planned Development No. 99-1 and Conditional Use Permit No. 267 from June 14, 2012 to June 14, 2014. The Planning Commission approves the applicant's amended development schedule, as contained as an attachment to the project staff report, in conjunction with the approval of the time extension.

BE IT FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa hereby includes the following tolling provision in their action to approve these time extensions:

Should a lawsuit involving the approval of the extensions be pending in a court of competent jurisdiction, the two year time extension period shall be tolled from the filing date until such time that the court action, including any and all appeals, has concluded. However, if the remaining time is less than 120 days, the permit shall be valid for 120 days following the termination of the moratorium or other event triggering the tolling of the time period. The tolling period shall be initiated upon written notice by the applicant to the Planning Director setting forth the facts and circumstances justifying the tolling, and shall relate back to the filing date unless a written notice of rejection is issued by the Planning Director within 21 days of receipt of the applicant's notice.

BE IT FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa hereby finds this action to approve Time Extension Application No. 2012-048 is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061, CEQA Guidelines. There is no possibility that the activity in question, approving an amended development schedule, may have a significant effect on the

environment. The original development project was processed with a full Environmental Impact Report (EIR); an in-depth review of project impacts has already occurred. The project description for the development project has not changed since the EIR was certified by the Mariposa County Board of Supervisors in 2003 and readopted by the Board in 2010. The action of the Planning Commission is only for an extension of time for issuance of the first permit to "activate" the Planned Development and Conditional Use Permit. The Planning Commission is considering an application for a time extension / amended development schedule. The Planning Commission's discretion on the application is limited; the Commission has no authority to modify (apply conditions or mitigation to) the resort development project based on the application submitted and this application proposes no changes in the resort development project. The granting of additional time to activate the Planned Development will not have a significant effect on the environment. There have been no changes to the project which would affect the EIR as certified. There have been no changes to environmental conditions on site or in the vicinity of the site which would affect the environmental review of the project.

BE IT FINALLY RESOLVED THAT the Planning Commission of the County of Mariposa approves this time extension application pursuant to Section I.O.3 of Appendix IV of the Fish Camp Specific Plan finding that the property owner has shown "good cause" for an extension of the time limits for these projects. In making this finding, the Planning Commission considers the information in the project record, including information contained in staff report prepared for the time extension application, the size and complexity of the project and permitting requirements, processing issues associated with the Caltrans encroachment permit, delays caused by processing of the 2010 project modifications, economic conditions and project financing issues, and the efforts made to advance the project to date.

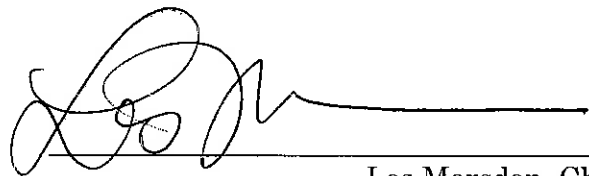
ON MOTION BY Commissioner Rudzik, seconded by Commissioner Francisco, this resolution is duly passed and adopted this 18<sup>th</sup> day of May 2012 by the following vote:

AYES: Francisco, Rudzik, Tucker, and Marsden

NOES: None


EXCUSED: Ross

ABSTAIN: None



Les Marsden, Chair  
Mariposa County Planning Commission

Attest:

  
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Judy Mueller, Secretary to the  
Mariposa County Planning Commission