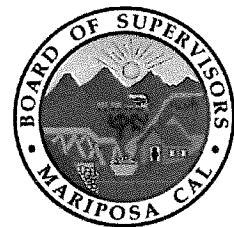




MARIPOSA COUNTY

Planning · 209-966-5151



RESOLUTION - ACTION REQUESTED 2016-613

MEETING: November 22, 2016

TO: The Board of Supervisors

FROM: Sarah Williams, Planning Director

RE: Appeal No. 2016-169

RECOMMENDATION AND JUSTIFICATION:

PUBLIC HEARING: Adopt a Resolution Denying Appeal 2016-169 with Findings, an Appeal of the Planning Director's Determination Project Conditions of Approval 25, 26 and 27 Were Met and Issuance of Grading Permit No. 30670 for the SilverTip Resort Project. Yosemite Alpine Community Services District, Appellants; Palm Springs Village-309 LLC, Property Owner. APNs 010-550-063, 064 & 066, Fish Camp.

Recommendation is based on the history, basis and authority for establishing Conditions of Approval 25, 26 and 27 and the site plan submitted with Grading Permit No. 30670.

See staff report for detailed review.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

2003: The Board of Supervisors certified the SilverTip Resort project EIR (Resolution No. 03-442) and approved the project by Resolution No. 03-444 (for the CUP), Resolution No. 03-445 (for the PD), Resolution No. 03-446 (for the LDA), and Resolution No. 03-443 and Ordinance No. 1000 (for the SP/ZA).

2010: The Board of Supervisors approved an amended site plan and amended architecture for the project (Resolution 10-518).

2014: The Board of Supervisors Resolution 2014-501 denied Appeal No 2014-066 (Time Extension Request) on September 23, 2014 which gave the project until September 23, 2016 in order to gain issuance of a building or grading permit for the project

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Alternatives: Continue the hearing to a date and time certain and request additional information. Grant the appeal and reverse the Planning Director's determination.

Consequences of Negative Action: If the Board takes no action, the Planning Director's determination stands.

ATTACHMENTS:

Staff Report (DOC)

Attachment 1 - Vicinity Map (PDF)

Attachment 2 - Notice of Appeal (PDF)

Attachment 3 - Supplement to Notice of Appeal (PDF)

Attachment 4 - 1971 Easement from Keller to SKA (PDF)

Attachment 5- 1997 Easement from Keller to YACSD (PDF)

Attachment 6- 2003 Site Plan from Board of Supervisors Resolution 2003-444 (PDF)

Attachment 7- Draft EIR Figure 2-7 (PDF)

Attachment 8- YACSD Correspondence from 1999, 2000, 2001(PDF)

Attachment 9- Documentation Developer/YACSD Negotiations (PDF)

Attachment 10- Site Plan from BOS Resolution 2010-518 (PDF)

Attachment 11- Planning Letter Well Drilling Permit (PDF)

Attachment 12- Irrevocable Offer of Dedication to YACSD (PDF)

Attachment 13- Public Works Comments on COA 26 (PDF)

Attachment 14- Planning Sign-Off on COA 25, 26 and 27 (PDF)

Attachment 15-Grading Permit 30760 Site Plan (PDF)

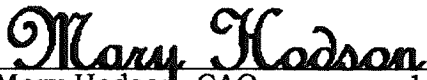
Attachment 16-SWRCB Correspondence (PDF)

Attachment 17- Public Input (PDF)

Attachment 18- Draft Resolution Denying Appeal No. 2016-169 (DOC)

CAO RECOMMENDATION

Requested Action Recommended



Mary Hodson, CAO

11/16/2016

RESULT: ADOPTED [UNANIMOUS]

MOVER: Merlin Jones, District II Supervisor

SECONDER: Rosemarie Smallcombe, District I Supervisor

AYES: Smallcombe, Jones, Long, Cann, Carrier

**STATE OF CALIFORNIA
COUNTY OF MARIPOSA
BOARD OF SUPERVISORS**

Resolution No. 2016-613 **A resolution denying Appeal No. 2016-169 and upholding the Planning Director's Determination that Conditions of Approval 25, 26 and 27 were met for the issuance of Grading Permit No. 30760 for the SilverTip Resort Project; Assessor Parcel Numbers 010-550-066, 010-550-063, 010-550-064.**

WHEREAS, the Mariposa County Board of Supervisors (Board) adopted Resolution Nos. 03-442, 03-444 and 03-445 on the 2nd day of December 2003 certifying the Environmental Impact Report (EIR), conditionally approving the Planned Development and Conditional Use Permit for the SilverTip Resort project (project) in Fish Camp, and adopting findings, a Mitigation Monitoring and Reporting Program, and Statements of Overriding Consideration; and

WHEREAS, the Board adopted Resolution No. 10-518 on the 9th day of November 2010 approving an amended site plan with findings, including a finding that no supplemental or subsequent EIR is required for the project, allowing modification to the approved project, modifying conditions of approval, and approving modifications to the project architecture; and

WHEREAS, there are a total of 99 conditions of approval (COA) for the project, 33 of which required compliance prior to issuance of the project grading permit; and

WHEREAS, the project developer submitted plans, documents and other items as required to verify compliance with the 33 conditions requiring compliance prior to issuance of the project grading permit; and

WHEREAS, Grading Permit No. 30670 was issued by the Mariposa County Building Department on the 7th day of September 2016; and

WHEREAS, an appeal of the Planning Director's determination that COA 25, 26 and 27 were met, and Grading Permit 30760 was issued, was submitted on the 21st day of September 2016 by the Yosemite Alpine Community Services District (YACSD); and

WHEREAS, that appeal is known as Appeal No. 2016-169; and

WHEREAS, a supplemental submittal to the appeal was submitted by the appellants, YACSD, on the 28th day of October 2016; and

WHEREAS, Appeal No. 2016-169 asserts that the Mariposa County staff fundamentally misunderstood COA 25, 26 and 27 for the project and that the Planning Director abused her discretion by determining these conditions had been satisfied; and

WHEREAS, the Board reviewed the history, basis and authority for establishing these conditions, to determine the specific situation or issue that COA 25, 26 and 27 were intended to address; and

WHEREAS, the applicant for and prior owner of the project was PacificUS Real Estate Group, a California corporation (prior developer).

WHEREAS, the current owner and developer of the project is PSV Palm Springs Village-309, LLC (developer or PSV); and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), an EIR was required and prepared for the project; and

WHEREAS, the basic purposes of CEQA¹ are to:

- i) inform governmental decision-makers and the public about the potential significant environmental effects of proposed activities,
- ii) identify ways that environmental damage can be avoided or significantly reduced,
- iii) prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible, and
- iv) disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose, if significant environmental effects are involved; and

WHEREAS, CEQA requires that mitigation measures must be feasible²; and

WHEREAS, CEQA defines feasible as meaning:

“capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.”³; and

WHEREAS, CEQA requires that:

“There must be an essential nexus (i.e. connection) between the mitigation measure and a legitimate governmental interest.”⁴; and

WHEREAS, CEQA requires that:

¹ CEQA Guidelines, §15002(a)

² CEQA Guidelines, §15126.4(a)(1)

³ CEQA Guidelines, §15364

⁴ CEQA Guidelines, §15126.4(a)(4)(A)

“The mitigation measure must be ‘roughly proportional’ to the impacts of the project.”⁵; and

WHEREAS, a Draft Environmental Impact Report (DEIR) and Revised DEIR were prepared to disclose, analyze, and provide mitigation measures for all potentially significant environmental effects associated with the proposed project; and

WHEREAS, the DEIR and Revised DEIR were published and circulated for review and comment by responsible and trustee agencies and interested members of the public pursuant to CEQA; and

WHEREAS, the Final EIR (FEIR) for the project, dated February, 2003, contained the Revised DEIR, all public and agency comments on the project and responses to comments; and

WHEREAS, on December 2, 2003, the Board approved the project. The approved applications for the project included a Specific Plan/Zoning Amendment, a Planned Development, a Conditional Use Permit, and a Land Division. As part of their actions to approve the project, the Board certified the project’s EIR; and

WHEREAS, the Board’s action to approve the project in 2003 was based on an extensive review of the project as submitted, including the project site plan. The Board considered existing conditions on the project site, potential impacts resulting from the project, required findings pursuant to Mariposa County Code and the Fish Camp Town Plan and public and agency input; and

WHEREAS, existing conditions on the project site included utilities. The site contained two wells, pipelines and electric lines for the YACSD, Pacific Gas and Electric (PG&E) power lines, and Sierra Telephone (STI) telephone lines. There are easements on-site for some of these utilities; and

WHEREAS, record documents for this appeal discuss and describe an easement granted by Robert and Evelyn Keller to SKA, Inc. (the 1971 or “T” easement). The two existing on-site wells, pipelines and electric lines are within or near this easement. There is also an easement granted in 1997 by Robert and Evelyn Keller to the YACSD, for an “existing underground water line”, however there is no water line within this easement (referred to as the 1997 easement); and

WHEREAS, the project as originally proposed and approved by the Board in 2003, would have impacted the YACSD, PG&E and STI utilities. The approved site plan and site plan evaluated by the project’s DEIR proposed a portion of the conference facility on or adjacent to the pipelines for the YACSD, contained within or near the 1971 or “T” easement; and

⁵ CEQA Guidelines, §15126.4(a)(4)(B)

WHEREAS, written input to Mariposa County from the YACSD, including letters dated October 14, 1999, August 29, 1999, March 13, 2000 and September 26, 2001, received between the EIR Scoping Period and the public comment period for the DEIR, identified the following specific YACSD concerns about the project:

- i) The project wells could impact production rates of the YACSD wells.
- ii) The project could potentially contaminate YACSD wells.
- iii) YACSD will require access to their wells, pipelines and electric lines for maintenance and repair work; and access to established and recorded easements; and

WHEREAS, YACSD written input, items i) and ii) above, are not related to project conditions of approval 25, 26 and 27 (COA 25, 26 and 27). Issues associated with production rates of the YACSD wells and potential contamination issues were extensively addressed by the project EIR. There was significant and detailed study of water quantity and water quality in the certified EIR for the project. The EIR considered long-term records of precipitation in the area, including both heavy and low rainfall years and including the drought years between 1986/87 and 1992. The EIR considered rainfall averages and recharge for the 260 acre watershed in which the project is located. The EIR concluded that there was a sustainable supply of water for the project. The EIR also considered the project's potential impacts on other wells, and concluded that on-site YACSD wells would not be impacted by the project because the source of water for the YACSD wells and the project wells were both hydrologically and geologically disconnected. Finally, the California Regional Water Quality Control Board has issued a Waste Discharge Requirement (WDR) Permit No. R5-2007-0140 for the project waste water treatment plant. The express purpose of this permit is to ensure the project will not have surface or subsurface water impacts; and

WHEREAS, YACSD written input, item iii) above, is directly related to COA 25, 26 and 27; and

WHEREAS, as a result of public/agency input and existing site conditions, Impact #3.3-12 in the DEIR prepared for the SilverTip project found the project would have:

“impacts on various utility providers which have easements and utility lines crossing the project site due to development of the proposed project”; and

WHEREAS, the DEIR conclusion for Impact #3.3-12 was that:

“development of the project site, which interferes with existing utility lines and access to those lines by utility providers is a potentially significant impact. The

Yosemite Alpine CSD has indicated that the proposed project could impair its access to wells, pipelines and electric lines on the project site”; and

WHEREAS, the DEIR Mitigation Measure for Impact #3.3-12 states:

“The project developer shall provide the Yosemite Alpine CSD and all other utility owners with facilities that cross the project site with access easements for maintenance and operation of wells, pipelines and electric lines. Easements shall be wide enough to allow for equipment access, as determined by the County Public Works Department, and not impair project landscaping.

If any facilities need to be relocated to accommodate the proposed project, the project developer shall reach agreement with the utility owners to relocate the utility facilities as necessary to ensure that all necessary utilities can be extended and not interfere with the safe and efficient operation of the project and the utilities.”; and

WHEREAS, the project conditions established for the mitigation of Impact #3.3-12 are written into three separate requirements, COA 25, 26 and 27 (text is slightly different than that in the mitigation measure):

25. Prior to the issuance of any building or grading permits, the permit holder shall provide Planning Director with recorded copies of access agreements or easements granted in favor of the Yosemite Alpine Community Services District and all other utility owners with facilities crossing the project site providing for access for maintenance and operation of wells, pipelines and electric lines.
26. Prior to the issuance of any building or grading permits, the Planning Director shall receive a letter from the Public Works Department indicating approval of easements or contractual agreements executed in conformance with Condition #25 and certifying such to be of adequate width and location to provide suitable access for the intended purpose(s).
27. Prior to the issuance of any building or grading permits, the permit holder shall notify the Planning Director of any utility facilities which are required to be relocated as a result of the project design or construction. If any facilities are to be relocated, prior to the use or occupancy of any structure affected by the relocation of the utility facility, the Planning Director shall receive a letter from the affected agency or utility indicating the permit holder has completed or posted adequate improvement security to assure the completion of the relocation.”; and

WHEREAS, following conclusion of project litigation at both the trial and appellate court levels, the prior developer commenced work to comply with project conditions of approval and develop detailed project plans. This included COA 25, 26 and 27; and

WHEREAS, the prior developer negotiated and successfully reached an agreement with the STI to relocate existing on-site telephone utility infrastructure to accommodate the project. Document No. 20112071 was recorded in Mariposa County Official Records on June 10, 2011 granting an easement and right-of-way for construction, maintenance and operation of relocated telephone infrastructure. Contrary to the appellant's position, county staff was not a party to these negotiations; and

WHREAS, the developer negotiated and successfully reached an agreement with PG&E regarding PG&E's assertion of a Claim of Prescription easement to all electric utility infrastructure on-site. On July 21, 2016, PG&E stated they have no objections to issuance of a project grading permit; they will require an easement be executed once their facilities are relocated. Contrary to the appellant's position, county staff was not a party to these negotiations; and

WHEREAS, both the prior developer and developer negotiated with YACSD during the time period from September 2007 to March 2016, a time frame of 8 years and 6 months. Numerous proposals and counter proposals were made, in an effort by the developer to enable the project to be constructed as originally planned. YACSD desired improved infrastructure (including water production), and a 50 foot buffer for existing wells (to comply with current CA Regional Water Quality Control Board [SWRCB] requirements). YACSD was concerned about the potential for a relocation of infrastructure to result in an increase in their costs for future maintenance and operation of their water system. A successful resolution was never achieved; and

WHEREAS, the developer submitted information to Mariposa Planning on the 2nd day of November 2016 to document the history of negotiations with YACSD; and

WHEREAS, as a result of the prior developer's preparation of detailed project plans, formal amendments to the site plan and conditions of approval were required. The Board approved the amendments via Resolution No. 10-518. The approved amended project site plan retained structures which would impact existing easements and the YACSD's on-site infrastructure. COA 25, 26 and 27 were retained in Resolution No. 10-518; and

WHEREAS, Grading Permit Application No. 30760 was submitted in February 2014 by the developer; and

WHEREAS, the YACSD submitted Well Drilling Permit No. 596 on August 31, 2015. YACSD proposed to drill a new well on the project site, within the existing 1971 or "T" easement, between their two current wells. The permit was not issued, because the applicant was unable to provide the signature of PSV (or a court order), allowing work on the property. The signature of the property owner is a requirement for issuance of all development permits in Mariposa County, including building permits. Mariposa County was aware that the YACSD and PSV were not in agreement regarding the rights established by the 1971 or "T" easement; and

WHEREAS, an Irrevocable Offer to Dedicate Real Property (IOD) was recorded on July 15, 2016 as Document No. 20162451, Mariposa County Records. The IOD is a grant from PSV to YACSD for a non-exclusive easement. The non-exclusive easement area offered to YACSD includes three parts:

- i) The prior 10 foot wide easement area (the 1971 or “T” easement),
- ii) An “augmented” area immediately adjacent to, and southerly and easterly of the 1971 “T” easement (to cover portions of existing YACSD water lines which are not contained within the 1971 or “T” easement, according to the developer’s surveyor), and
- iii) An “access” area, covering proposed paved on-site resort roads, to provide YACSD with physical access from Fish Camp Lane to the two existing wellheads.

The offer is irrevocable and continues in effect until the YACSD adopts a resolution accepting or rejecting the offer; and

WHEREAS, contrary to information contained in the Notice of Appeal and supplemental submittal, the non-exclusive easement area offered to YACSD for their pipelines and electric lines is not a new easement in a different location.

WHEREAS, the developer states in grading permit submittal material that the IOD was submitted to address the Public Works comments regarding COA 26. The YACSD’s facilities are partially outside of the recorded easement; and

WHEREAS, all plan check corrections were addressed by the developer for Grading Permit Application No. 30760, and a grading permit was issued on September 7, 2016. The issuance of the grading permit vested the project; and

WHEREAS, issuance of Grading Permit No. 30760 was, in part, based on the Planning Director’s sign-off on COA 25, 26 and 27 on August 22, 2016. The grading permit site plan shows a reduction in the size/change the dimensions of the conference facility so that it has no impact on or interference with the existing YACSD water utility lines. The site plan shows no impact to or interference with the existing on-site 1971 or “T” easement. The parking structure was removed and surface parking is shown on the 1997 easement. Physical access, by way of paved roads, is shown from an existing off-site public road (Fish Camp Lane) to both of the on-site YACSD existing wells, Well #1 and Well #2. A separate drive and turnaround area, off the resort road, is provided to both wells. In correspondence dated August 22, 2016, the Public Works Director certifies easements to be of adequate width and location to provide suitable access for the intended purpose. The project will not impair the YACSD’s access to its wells, pipelines and electric lines on the project site; in fact,

the project will improve the YACSD's access. There is currently no physically improved access (road) to the YACSD's Well #1 and Well #2; and

WHEREAS, the processing of Appeal No. 2016-169 was conducted pursuant to Mariposa County Resolution No.10-92, entitled the Mariposa County Appeals Procedure; and

WHEREAS, a duly noticed Board public hearing for Appeal No. 2016-169 was scheduled for the 22nd day of November 2016; and

WHEREAS, a Staff Report packet was prepared for the Boards' public hearing pursuant to the California Government Code, Mariposa County Code and local administrative procedures; and

WHEREAS, the Board did hold a public hearing on the noticed date and considered all the information in the public record, including the Notice of Appeal, the supplemental submittal to the Notice of Appeal, the Staff Report packet, testimony presented at the public hearing and correspondence submitted for the public hearing.

NOW, THEREFORE BE IT RESOLVED THAT, the Board does hereby:

- 1) deny Appeal No. 2016-169; and
- 2) uphold the Planning Director's determination that Conditions of Approval 25, 26 and 27 were met for the issuance of Grading Permit No. 30760.

BE IT FURTHER RESOLVED THAT, the Boards' actions, interpretations and determinations are based on the following findings:

1. The Board of Supervisors is obligated and has the responsibility to review and interpret County documents. The Board of Supervisors, as lead agency for the Silvertip Resort Project, certified the project's EIR establishing the project's mitigation measures, and established the project's conditions of approval. The Board of Supervisors has ultimate responsibility to review and interpret these mitigation measures and conditions.
2. It was never the intent of the Board of Supervisors, in the establishment of the project's mitigation measures and conditions, to give the YACSD unilateral discretion regarding project approval. To give YACSD this unilateral discretion, would be an unlawful transfer of authority. Contrary to the appellant's position, a determination of satisfaction of COA 25 does not explicitly necessitate the approval or consent of the YACSD in all circumstances.
3. Contrary to the appellant's position, COA 25 was not established to address the District's ability to continue to provide drinking water to County residents. The

project record reflects that COA 25 was established because the project's original design would have impacted the YACSD's on-site infrastructure (pipelines), the 1971 or "T" easement, and YACSD's access. COA No. 25 cannot now be used by Mariposa County to force the developer to address the YACSD's current (2015/2016) needs to drill a new well or to require the developer to provide an additional recorded 50 foot buffer area to the existing 1970 or "T" easement for a new well pursuant to current state regulatory requirements.

4. Based on the project's design, as shown on the site plan for Grading Permit No. 30760, the project will have no impact on or interference with the YACSD's existing utility lines on the project site.
5. Based on the project's design, as shown on the site plan for Grading Permit No. 30760, the project will have no impact on or impairment of the YACSD's ability to access their wells, pipelines and electric lines on the project site.
6. The Mariposa County Public Works Director reviewed the appeal issues; his position on COA 26 remains unchanged.
7. The SWRCB is the regulatory agency for the YACSD's water system. The SWRCB reviewed the Grading Plans for the project relative to their permitting authority for the YACSD's system. SWRCB's written comments dated the 29th day of April 2016 and the 22nd day of August 2016 include acknowledgement that:
 - a. The project grading plan will not result in any changes to the YACSD's existing easement.
 - b. The SWRCB has no objections to the proposed easement for YACSD's utilities as shown on page 4 of the grading plans.
 - c. The required 50-foot radius control zone for YACSD's existing supply wells was demonstrated.
 - d. Accessibility to the YACSD's existing supply wells was demonstrated.
 - e. Any new domestic water supply wells for the YACSD will have to be drilled at a new location, due to the YACSD's inability to provide the required 50-foot control zone for a new domestic water supply well.
8. Based upon review of the history, basis and authority for establishing these conditions, the Board of Supervisors finds no evidence to support a conclusion that Mitigation Measure No. #15 and COA 25, 26 and 27 were intended to require the developer to successfully negotiate with YACSD to reach a mutually agreeable solution. Based upon the text of Mitigation Measure No. #15 and COA 27 and the background information, *negotiation was only required if utility facilities needed to be relocated to accommodate the proposed project.* Based on the apparent futility of the 8+ years of prior developer/developer and YACSD negotiations, the developer

elected to reduce the size of the conference center and eliminate the parking garage, so that the YACSD facilities did not need to be relocated. The redesign of the project eliminated the factual basis supporting the mitigation measure and the resulting conditions of approval.

9. Mariposa County was not a party to negotiations between the prior developer, the developer, and utility companies, including the YACSD; Mariposa County has no authority to force a mutual agreement between the developer and YACSD.
10. The project does not change or modify the location of YACSD's existing easements on-site; the developer has offered easements to augment the YACSD's existing easements on-site. Mariposa County has no authority to force or require the YACSD to accept any augmentation to their existing easements.
11. The Supplemental Notice of Appeal submittal addresses the rights established by the 1971 or "T" easement. These rights are not within the purview of the County of Mariposa or this appeal hearing. An unresolved disagreement regarding an easement right is a civil matter and must be decided through a court process.
12. Based on the text of Mitigation Measure #15, and COA 25 and 26, if utility facilities do not need to be relocated to accommodate the proposed project, the requirements are limited to the permit holder providing:
 - Recorded copies of access agreements OR easements granted in favor of the YACSD...
 - Providing for access for maintenance and operation of wells, pipelines and electric lines

The developer has provided copies of existing recorded easements granted in favor of the YACSD which already provide access for maintenance and operation of wells, pipelines and electric lines on the project site. There is now no project impact on these existing easements; and as a result, there is no requirement for mitigation.

13. Mariposa County is required to comply with provisions established by law, including CEQA. Requiring the developer to provide an expanded source of water for the YACSD cannot be found to be roughly proportional to the impacts of the project, as identified and described in the certified EIR for Impact #3.3-12. The identified impact was related to interference with existing utility lines and access to those lines. Based on the project's design, as shown on the site plan for Grading Permit No. 30760, the project will have no impact on the YACSD's existing utility lines and access to those lines. The project will actually result in improved physical access to existing infrastructure, by way of paved access roads from Fish Camp Lane to both of the YACSD's wells. The YACSD will be able to access both wellheads for routine

maintenance activities. Access improvements would also accommodate heavy equipment, such as a well rig. Physical access to the wells by a road is not currently available.

14. YACSD's position for this appeal is based upon its belief that "the District and Developer need to resolve the limitations that the project potentially imposes on the District's ability to use its easements to add an additional well..." The issue of easement rights is not within the scope of this appeal or the authority of the Mariposa County Board of Supervisors, and an appeal hearing is not the proper venue to force a resolution between affected parties.


BE IT FURTHER RESOLVED THAT, this action on Appeal No. 2016-169 is based upon the Staff Report packet to the Board of Supervisors, including all attachments, all of which is hereby incorporated into this resolution by reference. The Board's action is supported by substantial evidence in the project record, including the history, basis and authority for establishing COA 25, 26 and 27.

BE IT FURTHER RESOLVED THAT, the custodian of the record of the proceedings is the Clerk of the Board of Supervisors.

BE IT FINALLY RESOLVED THAT, if any section, subsection, sentence, clause, word, phrase or finding of this resolution is held to be unconstitutional or otherwise invalid for any reason, such decision shall not affect the validity of the remainder of this resolution. The Board of Supervisors hereby declares each section, subsection, sentence, clause, word, phrase or finding is severable.

ON MOTION BY Supervisor Jones, seconded by Supervisor Smallcombe, this resolution is duly passed and adopted this 22nd day of November, 2016 by the following vote:


AYES: SMALLCOMBE, JONES, LONG, CANN, CARRIER
NOES: NONE
EXCUSED: NONE
ABSTAIN: NONE




John Carrier, Chair
Mariposa County Board of Supervisors

ATTEST:

APPROVED AS TO FORM:



René LaRoche
Clerk of the Board of Supervisors



Steven W. Dahlem
County Counsel