

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

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution
No. 07-019

A resolution approving Time Extension Application No. 2007-028 and Time Extension Application No. 2007-029, PacificUS Real Estate Group, applicant. Assessor Parcel Numbers 010-550-035, 010-550-054, 010-550-056, 010-550-057.

WHEREAS an applications for Time Extension 2007-028 and an application for Time Extension No. 2007-029 were received on February 8, 2007 from PacificUS Real Estate Group for property located at 7733 and 7739 Fish Camp Lane, 7625 Forest Lane, and one unassigned address parcel in Fish Camp, totaling approximately 47.3 acres; and

WHEREAS Land Division 1511 was conditionally approved by the Mariposa County Board of Supervisors with findings and conditions effective on May 12, 2004 by Resolution No. 03-466; 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 were known as the SilverTip Resort project; 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 2nd 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 Planning Department circulated these recently submitted Time Extension applications among trustee and responsible agencies, interested public organizations, and others as appropriate; and

WHEREAS a duly noticed public hearing was scheduled for the 18th day of May 2007; 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 Determination was prepared for the Time Extension applications 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 Determination, testimony presented by the public concerning the application, and the comments of the applicant.

BE IT THEREFORE RESOLVED THAT the Planning Commission of the County of Mariposa does hereby approve Time Extension Application No. 2007-028, granting a five year time extension for the approved tentative parcel map for Land Division No. 1511 from May 12, 2007 to May 12, 2012.

BE IT FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby approve Time Extension Application No. 2007-029, granting a five year time extension for the activation of Planned Development No. 99-1 and Conditional Use Permit No. 267 from June 14, 2007 to June 14, 2012. The Planning Commission approves the applicant's updated development schedule, as contained in the project staff report, in conjunction with the approval of the time extensions.

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 five 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 relies upon and re-adopts the previous Environmental Impact Report (EIR) and all prior findings of the Board of Supervisors as contained in Board of Supervisors Resolution No. 03-442 in their action to approve the time extension applications. Board of Supervisors Resolution No. 03-442 is hereby incorporated into this resolution by reference. This action by the Planning Commission includes re-adoption of the Mitigation Monitoring Plan and re-adoption of a statement of overriding considerations as contained in Board of Supervisors Resolution No. 03-442. The Planning Commission finds that there is no evidence of new impacts. The Planning Commission finds that there is no evidence of a substantial increase in the severity of impacts. The Planning Commission finds that there is no evidence of new feasible mitigation measures or project alternatives which would require new environmental review.

BE IT FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa determines that payment of the Department of Fish and Game Filing fee for the EIR is not required as the fee was previously paid for filing the Notice of Determination following Board of Supervisors action on the project. This Planning Commission determination is made pursuant to California Fish and Game Code, Section 711.4(g) which states, "Only one filing fee shall be paid for each project unless the project is tiered or phased, or separate environmental documents are required." The Planning Commission requests the County Clerk file the Notice of Determination without the required fees, upon satisfactory review of the original filing fee receipt.

BE IT FINALLY RESOLVED THAT the Planning Commission of the County of Mariposa approves these time extension applications pursuant to Section 66452.6(e) of the Subdivision Map Act, Section 16.16.090 of the Mariposa County Subdivision Ordinance, and 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 applications, the time spent with litigation following original project approval, the complexity of the project, the complexity of the conditions for map recordation, the complexity of the conditions for permit issuance, and progress made by the applicant to date.

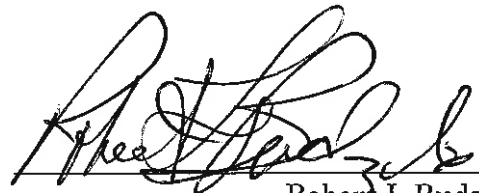
ON MOTION BY Commissioner Ross, seconded by Commissioner DeSantis, this resolution is duly passed and adopted this 18th day of May by the following vote:

AYES: Hagan, Ross, Rudzik, Skyrud, and DeSantis

NOES: None

EXCUSED: None

ABSTAIN: None



Robert L Rudzik, Chair
Mariposa County Planning Commission

Attest:



Carol Suggs, Secretary to the
Mariposa County Planning Commission