



MARIPOSA COUNTY

Public Works • (209) 966-5356



RESOLUTION - ACTION REQUESTED 2016-320

MEETING: June 21, 2016
TO: The Board of Supervisors
FROM: Tony Stobbe, Public Works Director
RE: YARTS Bus Stop in Fish Camp

RECOMMENDATION AND JUSTIFICATION:

Approve a 30 Year Agreement with Yosemite Area Regional Transportation System (YARTS) and Palm Springs Village-309, LLC to Locate a Bus Stop on a County Owned Parcel on Fish Camp Lane as Part of the Silver Tip Resort Project; and Authorize the Board of Supervisors Chair to Sign the Agreement. Board action to include environmental review findings.

This agreement was initiated by Palm Springs Village (PSV) and YARTS to satisfy Silver Tip Resort Project Condition of Approval No. 48, which states "The final site plan shall depict an area within the project site for a bus stop to be used by regional transit buses at such time transit service is extended to the Fish Camp Area."

It is also guided by Silver Tip Resort Project Condition of Approval No. 95, which states "The proposal to use the triangular piece of land owned by Mariposa County, north of the existing Post Office, easterly of the extension of Fish Camp Road for private parking is not approved. The site plan and parking diagram will need to be modified to reflect land ownership or the issuance of a special encroachment permit to use this publicly owned parcel of land."

While no such "special encroachment permit" mechanism exists, the proposed agreement accomplishes the intent of both conditions by providing for a YARTS stop, to be constructed and maintained by the Silver Tip Resort project, at no cost to the County. There will be no private use of the parcel for parking, and in addition, the established stop will be available for use by Mariposa County Transit.

The parcel in question is an odd shape and currently undeveloped. Approval of this agreement will allow it to serve a public benefit while remaining in control of the County.

The proposed agreement was drafted in a collaborative effort by YARTS, PSV, and Public Works. It has been adjusted further by County Counsel, including adding provisions to satisfy updated insurance guidelines.

In response to concerns expressed about the adequacy of the bus stop design for YARTS use, staff reached out to the Transit Manager and received the attached email confirming the design of the stop is satisfactory.

The YARTS JPA is scheduled to act on this item at their July 18, 2016, meeting.

Recommended environmental review findings are as follows:

1. Having considered the previously certified EIR, the Board of Supervisors finds that no supplemental or subsequent EIR is required for the agreement because this approval does not propose substantial changes in the project that require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. In addition, no substantial changes have occurred with respect to the circumstances under which the project is being undertaken. Finally, no new information of substantial importance (not known at the time the previous EIR was certified) has been identified which shows any significant effects not previously discussed in the EIR, or which indicates that the previously identified significant impacts will be substantially more severe than shown in the previous EIR.
2. The certified EIR and project approvals (including amended project approvals) contemplated the impacts of a bus stop; the original project conditions of approval required a bus stop to be provided by the project. Both the originally approved site plan and the amended project site plan showed parking improvements on the county-owned parcel. The amended project conditions of approval require a modification of the project site plan (where parking was shown on the county-owned parcel) or the issuance of a special permit to use the county-owned parcel.
3. This agreement does not change the 2003 conditions of approval and findings supported by evidence in the public record for the SilverTip Resort Lodge project, or the 2010 conditions of approval and findings supported by evidence in the public record. Conditions and findings are attached. The conditions of approval remain in full force and effect and are applicable to the development described in this agreement. This agreement is prepared pursuant to condition of approval No. 95, in lieu of a special encroachment permit. This agreement is the appropriate mechanism to implement condition of approval No. 95 because the proposal involves three entities: YARTS, the SilverTip project developer and Mariposa County.
4. This agreement does not change mitigation measures applicable to the Silver Tip Resort Lodge project, resulting from the 2003 Final Environmental Impact Report (EIR) certification. Mitigation measures are attached. All mitigation measures remain in full force and effect.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board has approved similar agreements in the past. On January 20, 2009, the Board approved an agreement with YARTS to enable the operation of the Midpines Park-N-Ride.

On December 2, 2003, for the SilverTip Resort Project, the Board:

- adopted Resolution No. 03-442 certifying the EIR and adopting findings, a mitigation monitoring and reporting program, and statement of overriding consideration;
- adopted Resolution No. 03-442, approving Specific Plan Amendment No. 99-1;
- waived the reading and adopted Ordinance No. 1000 approving Zoning Amendment No. 99-1;
- adopted Resolution No. 03-444, conditionally approving Conditional Use Permit No. 267 and adopting findings for the SilverTip Resort Village project
- adopted Resolution No. 03-445, conditionally approving Planned Development Permit No. 99-01 for the Silvertip Resort Village project;
- adopted Resolution No. 03-446, conditionally approving Land Division Application No. 1511; and
- adopted Resolution 03-447, approving an Indemnification Agreement.

On November 9, 2010, the Board adopted Resolution No. 10-518, approving Amended Site Plan No. 2009-124 with findings to allow modification to the SilverTip Resort Village Project site plan and to clarify and modify conditions for the project.

On September 23, 2014, the Board adopted Resolution No. 2014-501 with findings, denying Appeal No. 2014-066 and approving Time Extension Application No. 2014-023 for the SilverTip Resort Project.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

The Board could chose to direct modifications of the agreement. The Board could also provide alternative direction to Public Works to guide further efforts regarding the potential use of this parcel.

FINANCIAL IMPACT:

None

ATTACHMENTS:

YARTS Stop Fishcamp Agreement (PDF)
YARTS email re Fish Camp Stop (PDF)
Notice of Determination YARTs Agreement (DOC)
Notice of Determination Attachments (PDF)

CAO RECOMMENDATION

Requested Action Recommended


Mary Hodson, CAO 6/14/2016

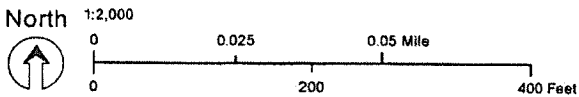
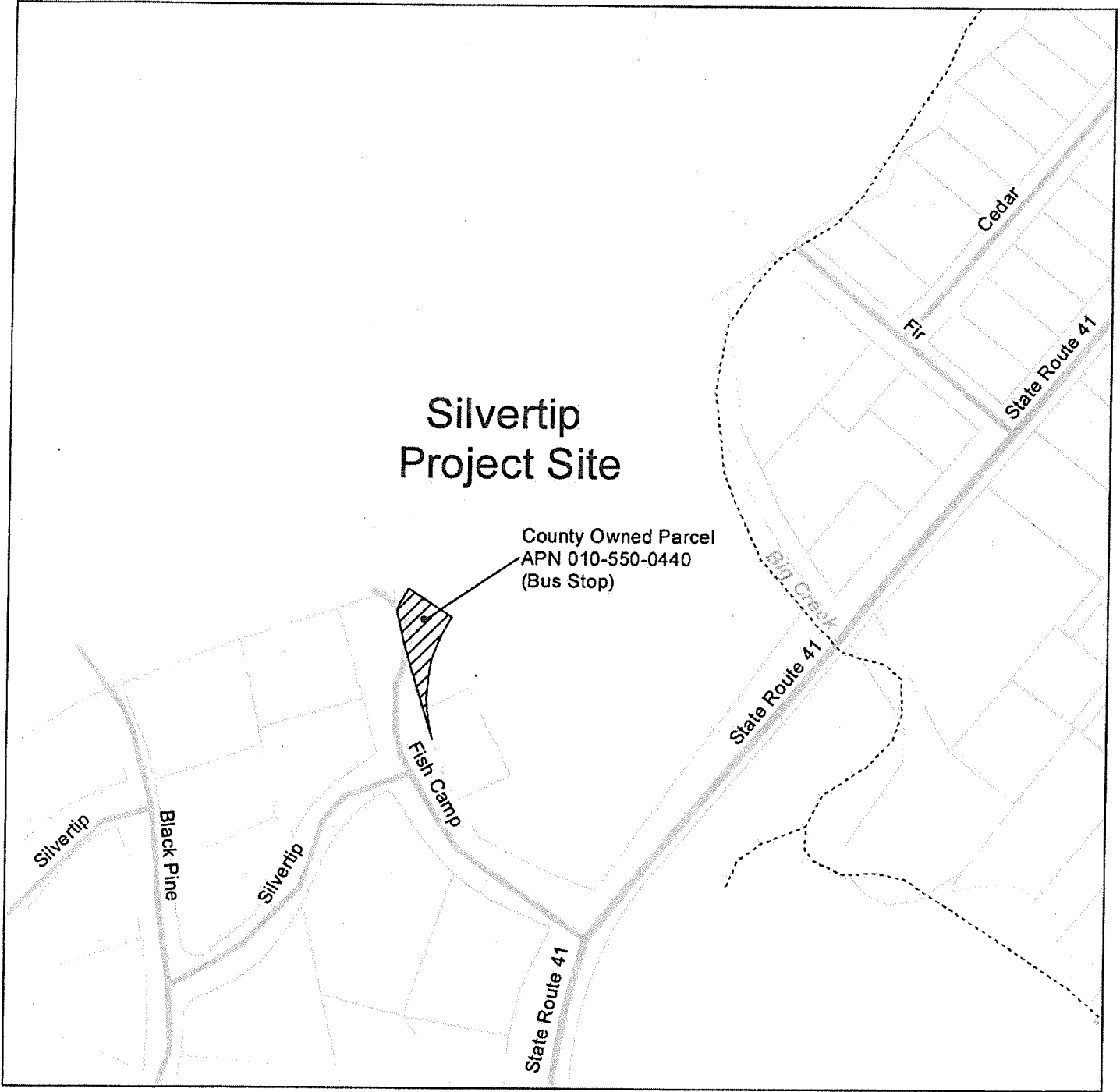
RESULT: ADOPTED BY CONSENT VOTE [UNANIMOUS]

MOVER: Rosemarie Smallcombe, District I Supervisor


SECONDER: Marshall Long, District III Supervisor

AYES: Smallcombe, Jones, Long, Cann, Carrier

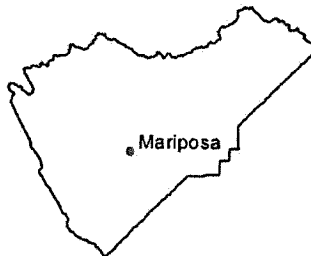
Agreement for SilverTip Bus Stop Exhibit A






Coordinate System: NAD 1983 StatePlane California III FIPS 0403 Feet
 Date: Tuesday, June 14, 2016
 Data Source: Mariposa County Planning Department GIS, Assessor's Parcel Map Update 6/2016
 Map Credit: Jonathan White

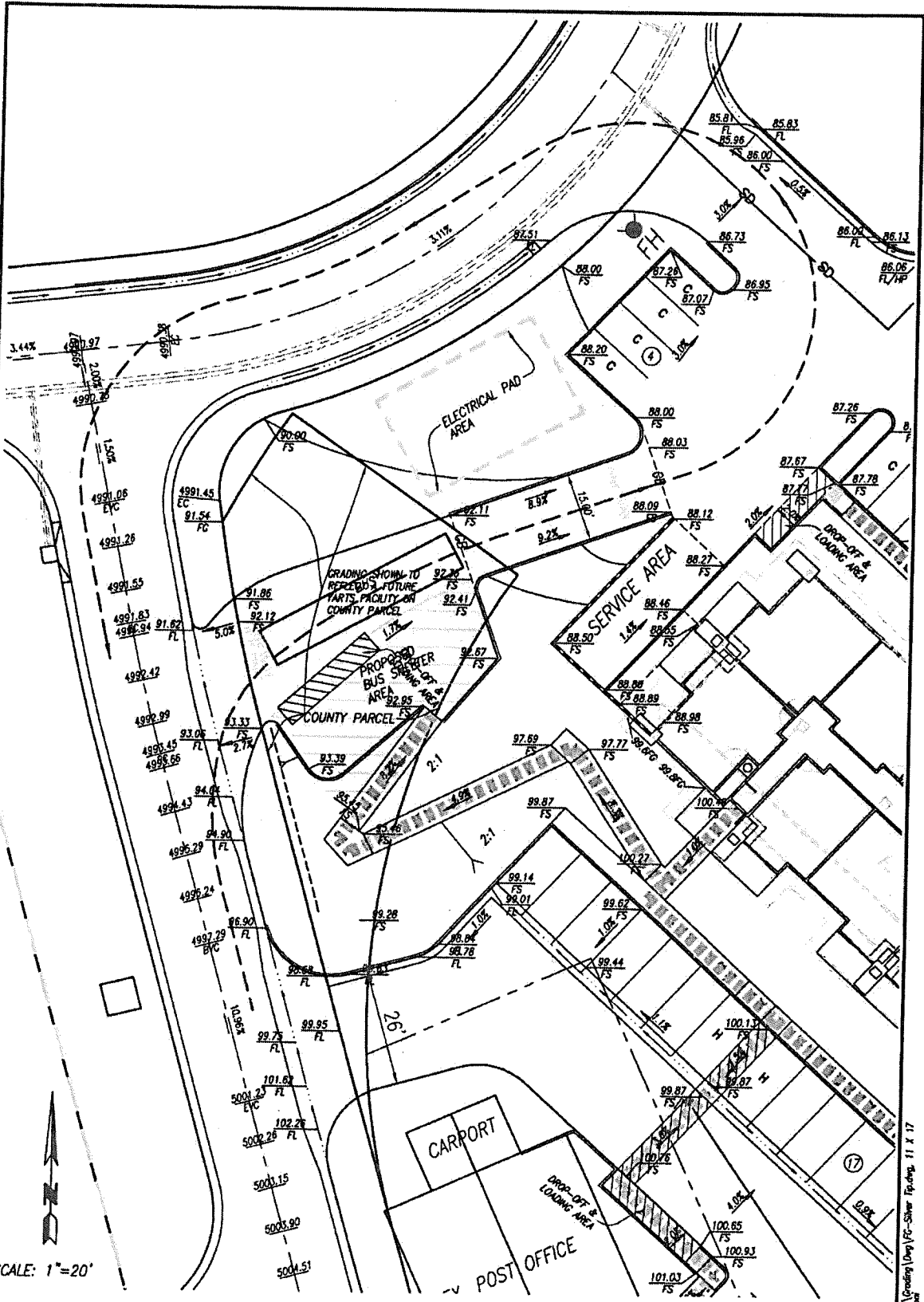


Mariposa County Planning Department
 P.O. Box 2039
 5100 Bullion Street
 Mariposa, CA 95338-2039
 (209) 966-5151 FAX (209) 742-5024
<http://www.mariposacounty.org/Planning>



Legend

-  Subject Property (APN: 010-550-0440)
-  Stream/River
-  Streets



SCALE: 1"=20'



15230 Burbank Blvd
 Van Nuys, CA 91411
 Tel: (818) 787-8550
 Fax: (818) 901-7451
 info@sikand.com



**BUS PATH & SHELTER
 SILVER TIP**

SHEET
 1
 OF 1

S:\silvertip\105-0081\001\Engineering\Grading\Drawings\FC-Silver Tip.dwg, 11 X 17
 Plot Date: 03/10/16 12:04:26 by dph

EXHIBIT B