

**PROJECT DESCRIPTION AND CONDITIONS OF APPROVAL FOR
CONDITIONAL USE PERMIT #267 and
PLANNED DEVELOPMENT PERMIT #99-01
- SilverTip Village Resort Project -**

Effective 2011 (includes original and amended text of conditions & project description)

PROJECT DESCRIPTION LIST OF CONDITIONAL USES

The following uses are incorporated into the Conditional use Permit in the Single Family Residential-1 acre-Planned Unit Development (SFR-1-PD) zoning district:

Project Component	Description	Square Footage (land area disturbed)
30 Cabins	2-stories: 2-3 bedroom units	
30 transient occupancy uses	Transient occupancy certificates shall comply with Title 17 and be issued only upon approved final inspection	54,000 sq.ft. (48,880 sq.ft. land area)
Up to 4 Small Conference Centers	1 story	8000 sq.ft. (8,000 sq.ft. land area)
Residential	Some or all the housing for 20 employees above commercial area, within hotel, or cabin footprint that are not contained within the Resort Commercial zoning district	Employee housing (0 sq.ft. land area)
3 decorative ponds		Approximately 15,000 sq.ft. (approximately 15,000 sq.ft. land area)
On-site waste water disposal system	Wastewater treatment plant, misc. storage ponds, and leachfield area.	As shown within preliminary wastewater disposal plan and on site plan.
Water tank(s)	Domestic and fire usage	Minimum 410,000 gallons
Parking, roadways, pathways, utility line extensions, etc	Cumulative total of 359 parking spaces as shown on the site plan some of which are within the RC-PUD district	Cumulative total of approximately, 202,000 sq.ft. (roadways and parking)
Associated accessory uses	Pedestrian or bicycle trails, satellite antennae, underground utility lines	May also be located within Residential area

All appropriate and related conditions of the Conditional Use Permit apply to the above list of uses.

The following uses are permitted in the Resort Commercial-Planned Unit Development (RC-RD) zoning district:

Project Component	Description	Square Footage (land area disturbed)
Hotel and lodging structures	137 guest rooms.	112,560 sq.ft. (28,140 sq.ft. land area)
Conference Center	1 story	3,616 sq.ft (3,616 sq.ft. land area)
Cumulative total of up to 4 Small Conference Centers including those	1 story	8,000 sq.ft. (8,000 sq.ft. land area)

Project Component	Description	Square Footage (land area disturbed)
building in the SFR-1-PD district		
Commercial	2 story; restaurant and retail	14,000 sq.ft. (14,000 sq.ft. land area)
Residential	Some or all the housing for 20 employees above commercial area, within hotel, or cabin footprint that are not contained within the Resort Commercial zoning district	Employee housing (0 sq.ft. land area)
Tennis Court	1 court	approximately 4,000 sq.ft. (approximately 4,000 sq.ft. land area)
Exterior Swimming Pool (including deck area)		approximately 10,500 sq.ft. (approximately 10,500 sq.ft. land area)
3 decorative ponds		approximately 15,000 sq.ft. (approximately 15,000 sq.ft. land area)
On-site waste water disposal system	Wastewater treatment plant, misc. storage ponds, and leachfield area.	As shown within preliminary wastewater disposal plan and on site plan.
Water tank(s)	Domestic and fire usage	Minimum 410,000 gallons
Parking, roadways, pathways, utility line extensions, etc	Cumulative total of 359 parking spaces as shown on the site plan some of which are within the SFR-1-PUD district	Approximately, 202,000 sq.ft. (roadways and parking)
Associated accessory uses	Pedestrian or bicycle trails, satellite antennae, underground utility lines	May also be located within Residential area

All appropriate and related conditions of the Conditional Use Permit apply to the above list of uses.

PROJECT DESCRIPTION – PLANNED DEVELOPMENT USES

Project Component	Description	Square Footage (land area disturbed)
Hotel and lodging structures	137 guest rooms.	112,560 sq.ft. (28,140 sq.ft. land area)
Conference Center	1 story	3,616 sq.ft (3,616 sq.ft. land area)
30 Cabins	2 stories: 2-3 bedroom units	54,000 sq.ft. (48,880 sq.ft. land area)
Up to 4 Small Conference Centers	1 story	8,000 sq.ft. (8,000 sq.ft. land area)
Commercial	2 story; restaurant and retail	14,000 sq.ft. (14,000 sq.ft. land area)
Residential	Housing for 20 employees above commercial area, within hotel, or cabin footprint	Employee housing (0 sq.ft. land area)
Tennis Court	1 court	approximately 4,000 sq.ft. (approximately 4,000 sq.ft. land area)
Exterior Swimming Pool (including deck area)		approximately 10,500 sq.ft. (approximately 10,500 sq.ft. land area)
3 decorative ponds		approximately 15,000 sq.ft. (approximately 15,000 sq.ft. land area)
On-site waste water disposal system	Wastewater treatment plant, misc. storage ponds, and leachfield area.	As shown within preliminary wastewater disposal plan and on site plan.
Water tank(s)	Domestic and fire usage	Minimum 410,000 gallons
Parking, roadways, pathways, utility line extensions, etc	359 parking spaces	Approximately, 202,000 sq.ft. (roadways and parking)
Associated accessory uses	Pedestrian or bicycle trails, satellite antennae, underground utility lines	May also be located within Residential area

The above uses are subject to the applicable conditions of the Planned Development Permit.

The following uses are permitted in the Planned Unit Development—Single Family Residential-2.5 acres:

One single family dwelling and all uses as identified in the Residential land use classification of the Specific Plan.

The above use is not subject to the conditions of the Planned Development Permit #99-1.

CONDITIONS OF APPROVAL

[NOTE: CUP and PUD conditions are identical, except for Conditions #1, 3, 6 and 86. Both versions of these conditions are included for ease of reference.]

General

1. **CUP**

After the effective date of Specific Plan Amendment #99-1 and Zoning Amendment #99-1, the SilverTip Resort Village shall be constructed in substantial conformance with the approved site plan as approved by the Board of Supervisors and attached to this resolution as Attachment D. Any substantial modification of the site plan requires additional public review. The project shall be constructed in substantial conformance with the building design elevations included within the Environmental Impact Report. Any substantial modification of the building elevations requires additional public review.

PUD

After the effective date of Specific Plan Amendment #99-1 and Zoning Amendment #99-1, the SilverTip Resort Village shall be constructed in substantial conformance with the approved site plan as approved by the Board of Supervisors and attached to this resolution as Exhibit 5, Attachment D. Any substantial modification of the site plan requires additional public review. The project shall be constructed in substantial conformance with the building design elevations included within the Environmental Impact Report. Any substantial modification of the building elevations requires additional public review.

2. Any representations by the applicant or agents speaking on the applicant's behalf shall be reduced to writing and added as conditions of project approval.

3. **CUP**

The planned development permit shall be activated by the issuance of the first building or grading permit within 24 months from the date of Board of Supervisors approval of its resolution. Should activation of the permit(s) be delayed by any moratorium or excessive delays by a permitting agency over which the County of Mariposa does not exercise control, or should a lawsuit involving the approval of the CUP or related entitlements be pending in a court of competent jurisdiction, the 24 month clock shall be tolled until such time the court action or other delay 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

period. The tolling period shall be initiated upon written notice by the applicant to the Planning Department setting forth the facts and circumstances justifying the tolling, and shall be immediately effective unless a written notice of rejection is issued by the Planning Director within 14 days of receipt of applicant's notice.

PUD

The planned development permit shall be activated by the issuance of the first building permit within 24 months from the date of Board of Supervisors approval of its resolution. Should activation of the permit(s) be delayed by any moratorium or excessive delays by a permitting agency over which the County of Mariposa does not exercise control, or should a lawsuit involving the approval of the CUP or related entitlements be pending in a court of competent jurisdiction, the 24 month clock shall be tolled until such time the court action or other delay 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 period. The tolling period shall be initiated upon written notice by the applicant to the Planning Department setting forth the facts and circumstances justifying the tolling, and shall be immediately effective unless a written notice of rejection is issued by the Planning Director within 14 days of receipt of applicant's notice.

4. No use or occupancy of the project shall commence until the Planning Director has certified all applicable conditions have been satisfied.
5. No site disturbance activities shall commence without the issuance of a building or grading permit. Should there be no code requirement for such a permit, a letter authorizing site disturbance activities shall be issued by the Planning Director upon request and upon proof of condition completion.

Land Use

6. **CUP**

Prior to the issuance of any site disturbance, building or grading permits, the permit holder shall submit final site plans based on construction plans. The final site plans shall clearly be labeled to match the approved site plan in Attachment D. All physical construction for the resort complex and commercial complex shall be limited to a maximum of 11.0± acres and shall be sited in substantial conformance with the approved site plan.

PUD

Prior to the issuance of any building or grading permits, the permit holder shall submit final site plans based on construction plans. The final site plans

shall clearly be labeled to match the approved site plan in Attachment D. All physical construction for the resort complex and commercial complex shall be limited to a maximum of 11.0± acres and shall be sited in substantial conformance with the approved site plan.

All use of properties classified as “Residential” shall be limited to Open Space uses as provided for in the Project Description. No structures or expansion of the project beyond the 11.0± acres shall be permitted without a full review of the project in a public hearing process. All development entitlements to the 33.8± acres of Residential lands are extinguished except as otherwise provided for in the Project Description.

The Residential-2.5 acre parcel may be developed for one single family dwelling and one accessory dwelling and shall not be further subdivided or reclassified.

Botanical/Wildlife

7. Prior to the commencement of site disturbance activities of any kind, the Planning Director shall receive a detailed preconstruction survey clearly identifying areas which are proposed to be retained in natural vegetation (e.g. grasses, shrubs, trees and riparian vegetation). Accompanying the preconstruction survey shall be a construction management plan identifying how “non-disturbance areas” are to be protected from accidental disturbance during construction activities.
8. Prior to the commencement of construction activities, a tree removal and replacement plan for mature trees shall be prepared by a licensed landscape architect based upon accepted industry practice for approval by the Planning Director. The Plan shall incorporate appropriate measures taken to minimize the spread of non-native vegetation. Ponds shall not be stocked with non-native wildlife species.
9. The applicant shall submit a mitigation plan to address impacts associated with construction on identified wetlands and sensitive species prior to the issuance of a Grading Permit or Building Permit. Approval authority for the mitigation plan shall lie with the Planning Director. The timing of complete mitigation shall occur based on the requirements of the resource agency or prior to occupancy of the building or buildings depending on the specific case.
10. Prior to the issuance of any building permits, or initiation of site development activities, the impacts on 0.05 acre of wetlands shall be fully mitigated in accordance with the approved mitigation plans agreed to by affected agencies.

Satisfactory evidence of that implementation as certified by the responsible agency(ies) shall be provided to the Planning Department.

11. Prior to the issuance of a certificate of occupancy or commencement of use, the permit holder shall demonstrate an assertive implementation program of appropriate policy requiring (1) guests with domestic animals to be under owners' control at all times; and (2) assurance no guest shall participate in hunting on the subject property.
12. No perimeter or internal fencing shall be permitted on the subject property except as minimally required surrounding maintenance facilities or the wastewater treatment ponds.
13. Prior to the issuance of any building or grading permits, the permit holder shall submit to the Agricultural Commissioner of the County of Mariposa copies of the construction management plan identifying how the permit holder will take steps to prevent the transport of noxious weeds to the site. Certification of approval of such program shall be transmitted to the Planning Director.

Public Services

14. Prior to the issuance of any building or grading permits, the County Fire Chief and California Department of Forestry and Fire Protection shall provide the Planning Director with a letter certifying that the engineering design of the loop road is of adequate width, template, and construction design to meet the requirements of the fire protection agencies.
15. Prior to the issuance of the a any building or grading permits, the County Fire Chief shall provide the Planning Director with a letter certifying that the permit holder has entered into a written agreement satisfying the requirements of the County Fire Department for fire protection. The County Fire Chief shall provide a copy of the written agreement with the certification letter. The agreement shall, at a minimum, enumerate each mitigation measure identified in the Environmental Impact Report for fire protection and shall affirmatively state the measure's inclusion in the agreement or alternatives accomplishing the same objective as required by the mitigation measure that are incorporated into the agreement.
16. The public water system including storage tank, loop water line system, fire hydrants and the provisions to meet the commercial fire flows, as required by the County Fire Marshall, shall be installed prior to the issuance of a Building Permit for the construction of any flammable structures on the subject

- property or prior to the storage of flammable materials on site whichever occurs first.
17. Prior to the issuance of any building or grading permits, the permit holder shall submit required plans and water system designs to the County Fire Department for review and approval. No building or grading permits shall be issued until the Planning Director receives a letter from the Fire Chief certifying the approval of the Plans. The Plans shall include all necessary information required by the County Fire Department.
 18. Prior to the commencement of any structure framing, the approved water system shall be fully operational and approved by the County Fire Department. Evidence of Fire Department approval of the water system shall be provided to the Building Department prior to its issuance of any approvals to proceed with framing of the structures.
 19. Prior to the issuance of a certificate of occupancy for any structure on the site, the County Fire Chief shall provide the Chief Building Official with a letter certifying that the structure(s) have complied with requires of the County Fire Department for fire protection, water supply, and other requirements.
 20. Prior to the use or occupancy. The permit holder shall provide staffing to supplement existing paid and volunteer staffing that is adequate to serve the facility and meet minimum interior attack requirements, and shall also provide a minimum of two EMT/First Responders on duty. A minimum of four individuals trained to meet Fire Department standards shall be available at all times. These requirements shall be included in a fully executed agreement between the Fire Department and permit holder. Staffing may be provided by SilverTip Resort Village employees who have completed required training. Dual egress systems shall be required from upper floors. All elevators shall accommodate ambulance gurneys for supine patients. A fully executed agreement regarding these items shall be submitted to the Planning Department prior to the issuance of a Certificate of Occupancy for any structure on the project site.
 21. Prior to the issuance of any building or grading permits, the Planning Director shall receive a letter from the California Department of Forestry indicating the final design meets the requirements for the Fire Protection State Responsibility Area Firesafe Requirements for driveway standards, gate standards, road standards, emergency water supply standards, fire hydrant standards, defensible space standards, and as otherwise specified in 14 CCR §1270 *et. seq.*

22. Prior to the use or occupancy of any structure, the Planning Director shall receive a letter from the California Department of Fish and Game indicating that food service facilities design and operations, garbage disposal practices and storage containers are sited and designed to prevent access by wildlife.
23. To the satisfaction of the Solid Waste Division and Local Enforcement Agency,¹ on an ongoing and permanent basis, (a) all refuse containers shall comply with the County Ordinance for bear resistance, and (b) locations shall be designed and maintained to remain accessible during snow periods.
24. Prior to issuance of any building or grading permits, the permit holder shall provide the Director of Public Works with a Plan For Annual Maintenance of all on-site roads, including Fish Camp Lane between Highway 41 and the SilverTip Lane intersection. The Plan For Annual Maintenance shall include, at a minimum:
 - a. Provisions for snow removal on all on-site roads, including Fish Camp Lane and emergency access road(s).
 - b. Provisions maintaining access to refuse containers and the on-site wastewater and water system facilities.
 - c. The method by which the Plan will be implemented through regular facility employees or by contract. Copies of executed contracts shall be submitted with the Plan.
 - d. Provisions for the exclusive use of non-contaminated sand for snow removal.
 - e. Evidence of any necessary easements or contractual access agreements with offsite property owners, if necessary.
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

¹ The *Local Enforcement Agency* is the Mariposa County Health Department, Environmental Health Division.

#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.

Water Quality and Quantity

28. At all times, the permit holder shall be responsible for ensuring effluent discharged from the wastewater treatment plant to the effluent disposal system complies with California Title 22 Effluent Standards and the requirements of the Regional Water Quality Control Board and its approved permits.

29. Prior to the issuance of any building permits (grading permits are not affected by this condition), the Planning Director shall receive a letter from the County of Mariposa Health Department Director indicating the wastewater treatment system has been designed to the satisfaction of the Health Department for retention of wastewater flows and prevention of subsurface disposal system overload.

30. Prior to the issuance of any building permits (grading permits are not affected by this condition), the Planning Director shall receive a letter from the County of Mariposa Health Department Director indicating the subsurface disposal system has been designed and approved by the Mariposa County Health Department and the Regional Water Quality Control Board.

31. The final site plan shall depict a subsurface disposal system replacement area at least equal in size to the approved subsurface disposal system. This shall be known as a "100 percent replacement area."

32. On a regular basis, not less than once per calendar or year or as otherwise required by the Regional Water Quality Control Board, the permit holder shall cause to be undertaken by a professional appropriately licensed in the State of California a groundwater monitoring program. The first sample shall be to ascertain baseline data and shall occur in existing monitoring wells (W-1, W-2, and W-3 as identified in the Environmental Impact Report) prior to the initiation of the operation of the leachfield system.

33. Water supply wells shall be constructed in accordance with setback requirements from the subsurface disposal area as defined in the Uniform Plumbing Code, California Well Standards, and County ordinance, and as approved by the Health Department. Water wells shall meet all requirements and standards of the California Department of Water Resources for wellhead protection. Wells located downgradient of the subsurface disposal system shall be constructed with cement grout sanitary seals extending to a confining layer of unfractured bedrock (or to a minimum depth of 50 feet).
34. Prior to the use or occupancy of any structure, existing septic systems on the project site shall be removed or abandoned in accordance with County ordinance to the satisfaction of the County Health Department Director.
35. Prior to the commencement of any tree removal or excavation of leachfield trench or related wastewater treatment facility's excavation or grading, all locations shall be marked clearly for inspection by Mariposa County Health Department personnel and the Regional Water Quality Control Board.
36. Prior to the commencement of any tree removal excavation of leachfield trench or related wastewater treatment facility's excavation or grading the permit holder shall prepare a Tree Removal and Replacement Plan. The Plan shall, at a minimum, shall:
 - a. Provide for the retention of as many trees as possible with a breast height diameter of six or more inches.
 - b. Require where trees with a breast height diameter of six or more inches are removed, they shall be replaced on the perimeter of the leachfield area with similar varieties at a ratio of three trees planted for each tree removed <<subject to Health Department setbacks>>.
 - c. Cause to be retained a certified arborist or landscape architect appropriately licensed by the State of California to specifically assess the survivability of remaining trees following excavation and utilization of the leachfields for effluent disposal. In the event survivability of remaining trees is assessed to be less than 90 percent, additional compensatory plantings shall be made on the perimeter of the leachfield area. All plantings shall be performed under the direction of a landscape architect or certified arborist.
37. Prior to the issuance of any building or grading permits, the Planning Director shall receive a letter from the appropriate responsible agency or department indicating that project permit holder has designed, and is required to install

and maintain onsite pollutant control measures during project construction and operation as required to ensure NPDES compliance, and the permit holder shall provide the Planning Director with a copy of its approved State Water Resources Control Board Construction Activity Storm Water Permits.

38. Prior to issuance of any building or grading permits, the Planning Director shall receive a letter from the County Building Director indicating his approval of the design, and an irrevocable applicant commitment to install and maintain onsite runoff attenuation facilities with sufficient capacity to reduce 100-year project stormwater runoff rates to those currently generated by the project site.
39. Prior to the use or occupancy of any building, the Planning Director shall receive a letter from the County Fire Chief certifying that the permit holder has installed on-site water storage tank(s) meeting project water demands consistent with standards contained in the most recently adopted Uniform Fire Code. The required storage volume shall be a minimum of 410,000 gallons. Water storage may be apportioned in phases with a nexus to the requirements generated by facilities for which occupancy is sought combined with the total demand of all facilities under construction.
40. Prior to the use or occupancy of any building, the permit holder shall install a recording flow meter on each well providing potable water for the project.
41. Prior to the tenth day of each month following the initiation of use for each well providing project potable water and on a continuous an ongoing period:
 - a. During the months inclusive of May 1 through September 30, static and pumping water levels shall be measured and recorded at each well site and wells selected by the Health Department at offsite locations around the project.
 - b. During the months inclusive of October 1 through April 30, static and pumping water levels shall be measured and recorded at each well site. No offsite locations around the project need be sampled unless required by the County of Mariposa Health Department or the Regional Water Quality Control Board.
42. On a scheduled established by the Regional Water Quality Control Board or County of Mariposa Health Department, and not less than one time per year – unless prescribed more often in law or regulation – the permit holder shall cause to be undertaken by a professional appropriately licensed by the State of California water quality sampling and sounding for water levels within each onsite well providing potable water.

43. Prior to the use or occupancy of any building, and on a continuing basis, the potable water supply from on-site wells shall meet or be treated to meet California Drinking Water Standards or shall be treated to meet those standards.
44. Prior to the use or occupancy of any building, permit holder shall ensure continuous supply of water for domestic purposes to Block D property owners, until the earlier of:
 - a. A separate written agreement is achieved with a majority of the Block D property owners which establishes assurances of continued water supply satisfactory to such Block D owners; or
 - b. A certificate of public convenience and necessity is issued by the California Public Utilities Commission (PUC) to the then existing owner of the water system that presently benefits the Block D property owners, which certificate and related PUC regulatory jurisdiction shall establish continued delivery of water to the Block D owners, on terms and conditions as shall be established by the PUC; or
 - c. The Block D property owners establish arrangements with the Yosemite Alpine Community Services District, or other purveyors having all necessary governmental permits, for alternative domestic water supply sources.
45. On an ongoing and continuous basis, the permit holder shall notify the Health Department Director of a schedule for the annual draining of interior and exterior swimming pools. At no point, except in the case of an emergency declared by the Director, shall the pools be drained prior to October 1 or after April 30. All drainage shall be discharged to the wastewater treatment plant and dosed into the leachfields on a schedule of time and dilution approved by the Director.
46. On an ongoing and continuous basis, biosolids from the project shall be disposed in a method and location approved by the Mariposa County Health Department.

Air Quality

47. Prior to the issuance of any building or grading permits, the County of Mariposa Air Pollution Control Officer shall approve contract specifications for the permit holder shall require the following measures in all construction contracts:

- a. Alternatives to open burning of vegetative material on the project site shall be used whenever possible. Suitable alternatives are chipping, mulching, or conversion to biomass fuel.
- b. Contractors shall be responsible for ensuring that adequate dust control measures are implemented in a timely manner during all phases of project development and construction.
- c. All material excavated, stockpiled, or graded shall be sufficiently watered, treated, or covered to prevent fugitive dust from leaving the property boundaries and causing a public nuisance or violation of an ambient air standard. Watering shall occur at least twice daily, with complete site coverage.
- d. All areas (including unpaved roads) with vehicle traffic shall be watered or have a dust palliative applied as necessary for stabilization of dust emissions.
- e. All on-site vehicle traffic shall be limited to a speed of 15 mph on unpaved roads.
- f. All land clearing, grading, earth moving or excavation activities shall be suspended as necessary to prevent excessive windblown dust when winds are expected to exceed 20 miles per hour.
- g. All inactive portions of the construction site shall be covered, seeded, or watered until a suitable cover is established. Alternatively, non-toxic soil stabilizers shall be applied (according to manufacturers specifications) to all inactive construction areas (previously graded areas which remain inactive for 96 hours). Acceptable materials that may be used for chemical soil stabilization include petroleum resins, asphaltic emulsions, acrylics, and adhesives that do not violate Regional Water Quality Control Board or California Air Resources Board standards.
- h. Paved streets adjacent to construction sites shall be swept or washed at the end of each day, or as required to remove excess accumulations of silt and/or mud that may have resulted from activities at the construction site.
- i. All material transported off-site shall either be sufficiently watered or securely covered to prevent public nuisance.
- j. Ground cover shall be re-established on the site through seeding and watering. Measures b through i shall be included in all construction

contracts and evidence of this inclusion shall be provided to the Planning Director prior to commencement of applicable construction activities.

- k. During initial grading, earthmoving, or site preparation, a 100-foot paved (or palliative-treated) apron shall be constructed, extending onto the construction site from the adjacent paved roads where vehicles and equipment egress.
48. 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.
49. Prior to the use or occupancy of any building, secure bicycle facilities shall be installed on the project site in conformance with the approved site plan.
50. The final structure design for the project shall incorporate the use of energy-efficient lighting, automated controls, and energy efficient heating, ventilating, air conditioning, water heaters, and boiler units. All such equipment shall be “Energy Star” rated or equivalent in terms of defined energy savings.
51. The final structure design shall not include open-hearth wood burning fireplaces.
52. The final structure design may include appropriately certified woodstoves or LPG-fired decorative fireplaces. All wood-burning devices shall be approved by the County of Mariposa Air Pollution Control Officer Prior to the use or occupancy of the building.
53. Prior to the use or occupancy of any building, the Health Department Director shall certify that wastewater collection and treatment facilities, including the pond, incorporate appropriate equipment and design so that odors cannot be detected beyond the plant boundary. The emergency storage pond shall be equipped with aerators and washdown facilities to control odor emissions during emergency use.

Traffic and Circulation

54. Prior to the commencement of any construction activities within the Caltrans right-of-way, the permit holder shall obtain an encroachment permit from the agency and shall submit a copy of said permit to the Planning Director.
55. Prior to the issuance of any building or grading permits, the permit holder shall obtain an encroachment permit from Caltrans for construction of a left turn lane within the State right-of-way. Work planned within the State right-

of-way shall be performed to State standards and specifications. Plans for said work shall be reviewed and approved by the Caltrans. No encroachment or placement of fill shall occur in jurisdictional waters of the U.S. during construction or operation of the proposed left turn lane. Runoff from the additional pavement shall not be discharged to the pond, other surface waters, or wetland areas without compliance with NPDES requirements for treatment and control as set forth in Condition #37. In addition a qualified professional archaeologist shall monitor all construction activity during installation of the left turn lane. In the event subsurface cultural resources are encountered or otherwise disturbed, all work shall cease until a complete evaluation is undertaken and a plan for resource preservation and/or recordation is implemented by Caltrans in accordance with section 15064.5 of the CEQA Guidelines.

56. Prior to the use or occupancy of any building, the Director of Public Works shall approve a road signage plan for onsite circulation streets and driveways.
57. Prior to the use or occupancy of any building, the permit holder shall install "One-way" signs on breakaway posts along the one-way segments of the internal roadway system in conformance with the signage plan.

Aesthetics

58. No changes to the site plan, exterior design, color, or materials of any structure or landscaping shall be permitted without the written approval of the Planning Director.
59. Prior to the use or occupancy of any building, the permit holder shall submit design for all onsite signs for the approval of the Planning Director.
60. Prior to the issuance of any building or grading permits, the permit holder shall cause to be prepared by a certified arborist or landscape architect appropriately licensed by the state of California a tree survey of areas to be affected by site development to locate and define the number and size of mature trees proposed to be removed. Mature trees with a breast height diameter of six inches or greater proposed to be removed shall be indicated on final site plans. The plan for mature trees shall be based upon accepted industry standards. The Plan shall specify that replacement trees for removed mature trees shall be a minimum size of 15 gallons. In conducting the review of the plans, the Planning Director shall apply the site development standards, building and structure design standards, landscaping standards, and sign standards, as presently apply to commercial uses in the County of Mariposa's Scenic Highway Overlay Zone.

61. Upon completion of construction of above ground storage tanks, the permit holder shall submit a visual impact analysis to determine the visibility of the tanks from view from Highway 41. The Planning Director shall be authorized to require additional landscape screening of such tanks if found to be visual impacts from the State Highway.
62. Prior to the issuance of any building or grading permits, the permit holder shall submit for the approval of Planning Director a landscape plan prepared by a professional appropriately licensed by the state of California to create such plans. The Plan shall be designed to satisfy the following County objectives:
 - a. Landscaping with native coniferous species installed to screen views of the project site from roadways and neighboring properties to the maximum extent possible.
 - b. Landscaping shall include plantings designed to screen water storage tanks to the maximum extent possible.
 - c. Review of the plans shall apply the site development standards, building and structure design standards, landscaping standards, and sign standards, as presently apply to commercial uses in the County of Mariposa's Scenic Highway Overlay Zone or the zoning district equivalent in effect at the time of Plan submittal.
63. All lighting fixtures along access roadways and in parking areas shall be designed with sites, luminescence, wattage, and covers using the model lighting code developed by the International Dark Sky Association and shall be approved by the Planning Director prior to the installation of any fixtures. The Director shall be authorized at the permit holder's expense to contract with a lighting specialist to review the lighting plan.

Cultural and Historical Resources

64. Prior to the issuance of any building or grading permits for any underground construction (e.g., excavation of foundations, work within the Caltrans right-of-way, installation of electrical, utility, water or sewage systems, or other services requiring trenching) in Areas A and B of Site CA-MRP-000280/H shall be preceded by archaeological test excavations undertaken by professional archaeologists and a qualified Native American observer. Excavation test results shall be circulated to the appropriate agencies and historical resources information center. If substantial subsurface deposits are discovered, the archaeologist shall immediately report these findings and recommended mitigation measures to the Mariposa County Planning Department or

Caltrans, if within the Highway right-of-way for final determination and approval. Compliance with this measure shall be required prior to issuance of any grading or building permit for Areas A and B of Site CA-MRP-00280/H.

65. This permit does not entitle any construction within the boundaries of Site CA-MRP-000280/H.
66. During the initiation of grading and construction activities for access roads constructed from Highway 41 and other existing roads into the proposed SilverTip Resort area, construction of road or trail alignments shall be monitored by a qualified professional archaeologist. The permit holder shall include these requirements in any construction contracts and specifications for the project. The construction superintendent and all construction personnel involved in road and trail construction shall sign documents acknowledging that they have been informed of these requirements and shall comply. Portions of the construction contracts addressing this issue and signed acknowledgements from construction superintendents and personnel shall be provided to the Planning Department prior to commencement of work.
67. In the event that human remains, however fragmentary or displaced from their context, are discovered within the APE of the proposed project, the Mariposa County Coroner, the American Indian Council of Mariposa, and the Native American Heritage Commission, Sacramento shall be notified immediately. The permit holder shall include these requirements in any construction contracts and specifications for the project. The construction superintendent and all construction personnel who will be involved in ground disturbing activities during project construction shall sign documents acknowledging that they have been informed of these requirements and will comply. Portions of the construction contracts addressing this issue and signed acknowledgements from construction superintendents and personnel shall be provided to the Planning Department prior to commencement of work.
68. In the event of discovery of undocumented archaeological or historical cultural resources on the project site, the contractor, project manager or other responsible official shall order discontinuation of activities in the locality of the discovery. The Mariposa County Planning Department shall be notified immediately, who shall then also notify the American Indian Council of Mariposa County. A qualified professional archaeologist shall be consulted immediately for an on-site inspection and evaluation of the significance of the find or finds relative to CEQA criteria and identification of appropriate mitigation, if indicated. These findings shall be submitted to the Planning Department for final determination of any required action or mitigation. The construction superintendent and all construction personnel who will be involved in ground disturbing activities during project construction shall sign

documents acknowledging that they have been informed of these requirements and will comply. Portions of the construction contracts addressing this issue and signed acknowledgements from construction superintendents and personnel shall be provided to the Planning Department prior to commencement of work.

Noise

69. Prior to the issuance of any building or grading permits, the permit holder shall submit for the approval of the Planning Director a noise mitigation plan for Fish Camp Drive in conformance with Mitigation Measure #50. The Planning Director shall be authorized to contract with a noise consultant at permit holder's expense to review the implementation of the mitigation requirements.
70. Prior to the use or occupancy of any building, the permit holder shall install or post improvement security to the satisfaction of the Planning Director for the installation of noise mitigation as required by condition 69 above.
71. Prior to the use or occupancy of any building, the permit holder shall submit to the Planning Director for approval an assertive policy clearly requiring that any idling buses shall be required to be parked along the north-northwest side of the hotel. Bus parking spaces shall be shown on the Final Site Plan and maintained at this location for this purpose.
72. Prior to issuance of any building or grading permits, the permit holder shall submit for the approval of the Planning Director language to be included in all construction contracts that:
 - a. Clearly limits grading and construction activities to weekdays between the hours of 8:00 a.m. and 7:00 p.m.
 - b. Required all construction equipment to be operated with properly installed and operating muffling devices.
 - c. A requirement that all portable compressors shall be located in enclosures and shielded from residences.
 - d. A requirement that exterior and interior framing activities and other activities which will require driving of nails, staples or fasteners, shall be conducted using pneumatic nailers, or electric drills and nailers. Hammers shall not be used for these activities, whenever feasible.

- e. A requirement that the construction superintendent and all construction personnel who will be involved in construction at the site shall sign documents acknowledging that they have been informed of these requirements and will comply.
73. As a means of ensuring that mobile equipment will not exceed acceptable noise levels at adjacent residences, the wing setbacks shall be maintained. Where these setbacks cannot be maintained, additional mitigation measures shall be incorporated into the project design, including the construction of temporary noise barriers. The table in Mitigation Measure #51-A provides the required setbacks to achieve the maximum noise level criterion of 75dB(A). Temporary Generators used for construction purposes shall be used in compliance with setback requirements, of the kind detailed in the above referenced table, to achieve the maximum noise level criterion of 75dB(A). The final structure design shall include all mechanical equipment associated with the hotel, including heating and ventilation, cooling towers, chillers, and heat exchangers shall be located inside an equipment room. As an alternative, all mechanical equipment associated with the project hotel shall demonstrate that overall noise levels will not exceed 45 dB(A) at a distance of 100 feet from the hotel façade.
 74. The final structure design for individual hotel rooms shall not include individual through-exterior wall heating and cooling units. Temperature control equipment shall be located inside an equipment room.
 75. The final structure design shall include heating units for individual cabins inside of buildings.
 76. Mechanical equipment associated with the commercial center shall be located to produce no noise levels which exceed 50 dBA at a distance of 50 feet from the individual piece of equipment. It shall be demonstrated by a professional appropriately licensed in the State of California under contract to the Mariposa County Planning Department that roof-top mechanical equipment associated with the commercial center shall not exceed 40 dBA at the adjacent residences. If equipment contains tones or repetitive impulsive sounds, the standard for those noise sources shall be 35 dBA.
 77. The final structure design shall depict all pumps and associated motors at the proposed wastewater treatment plant either located inside buildings, or submerged.
 78. Prior to the use or occupancy of any structure with roof-top mechanical equipment, it shall be demonstrated by a professional appropriately licensed in the State of California under contract to the Mariposa County Planning

Department that roof-top mechanical equipment associated with the facility shall not exceed 40 dB(A) $L_{eq}/L50$ at the adjacent residences. If equipment contains tones or repetitive impulsive sounds, the standard for those noise sources shall be 35 dB(A).

79. Prior to the use or occupancy of any of the wastewater treatment facility, it shall be demonstrated by a professional appropriately licensed in the State of California under contract to the Mariposa County Planning Department that wastewater treatment plant pumping equipment which may operate during nighttime hours of 10:00 p.m.-7:00 a.m. shall not exceed an hourly average noise level of 40 dBA L_{eq} at the project property line or at adjacent residential use. Routine testing of emergency generators shall be conducted during the daytime periods. Emergency generators shall not exceed an hourly average noise level of 50 dBA L_{eq} at the project property line or at adjacent residential property lines.
80. The backup generator shall be enclosed in a mechanical building adjacent to the hotel. Air ventilation openings shall be equipped with acoustical louvers to ensure that adequate noise reduction will be achieved. The generator shall not be exercised (tested) between the hours of 8:00 p.m. and 8:00 a.m.
81. Prior to the use or occupancy of any building, the permit holder shall submit for the approval of the Planning Director an assertive policy program to ensure all guests registering at the hotel after 10:00 p.m. shall use parking spaces located on the northwest side of the hotel. No additional parking shall be allowed on the southeast side of the hotel between 10:00 p.m. and 7:00 a.m.
82. A notice shall be placed in all cabins and as appropriate in and around the hotel stating, to the effect and not necessarily in these words, "In respect for residential neighbors, no radios or other forms of amplified music are allowed outside between the hours of 10:00 p.m. and 7:00 a.m."

Public Health and Safety

83. Prior to the commencement of demolition of the existing SilverTip Lodge structure, the permit holder shall contract provide proof of a contract to the Planning Director with an asbestos inspector appropriately licensed by the state of California or the Environmental Protection Agency to determine the presence of asbestos and cause its removal in a manner consistent with the U.S. Environmental Protection Agency in the National Emission Standards for Hazardous Air Pollutants (NESHAP) regulation, 40 CFR, Part 61, Subpart M.

Mitigation Monitoring

84. Prior to the use or occupancy of any building, the permit Planning Director shall prepare an estimate for the first year cost of mitigation monitoring. The permit holder shall submit to the County full payment for the estimated first year's mitigation monitoring costs. The project permit holder shall be responsible for costs incurred by county agencies in monitoring the implementation of project mitigation. The fees are limited to the estimated cost of the program, including the agency's administrative costs. Fees may be used to cover the cost of agency staff, as well as the cost of hiring special monitors or consultants, if needed or otherwise authorized.
85. Prior to the issuance of any building or grading permits, the permit holder shall submit restoration surety in a form satisfactory to the County Counsel. The amount of surety shall be 10% of the total construction cost of the project or equal to an engineer's estimate of the cost of site preparation and grading, whichever is greater. This amount is to be confirmed by the Department of Public Works, covered by a 50% contingency, and guaranteed by an appropriate agreement with the County. Upon completion of the grading and final approval by the County, the required security shall be returned to the permit holder.

Additional conditions

86. CUP

Prior to any site disturbance or the issuance of any building or grading permits, the permit holder shall execute an indemnification agreement with the Board of Supervisors holding the County of Mariposa harmless from legal action and agreeing to compensate the County for its litigation costs and join the County in defense of such actions.

PUD

Prior to the issuance of any building or grading permits, the permit holder shall approve an indemnification agreement with the Board of Supervisors holding the County of Mariposa harmless from legal action and agreeing to compensate the County for its litigation costs and join the County in defense of such actions.

87. Prior to the issuance of a building permit for any habitable structure in the approved project, the permit holder shall pay all required school impact fees to the County of Mariposa Building Department.
88. Prior to the use or occupancy of any structure, the permit holder shall provide, for review and approval by the County of Mariposa Air Pollution Control Officer, an inventory of all mechanical equipment and vehicles to be used for

site and facility maintenance. The listing shall delineate those items that are to be powered by electricity, propane, natural gas, or other alternative fuel, versus those items to be powered by gasoline or diesel power. The Air Pollution Control Officer shall not approve the inventory if it finds that any item proposed to be powered by gasoline or diesel can feasibly be fueled by electricity, propane, natural gas, or other alternative fuel, taking into account the intended purposes and uses of such item of equipment. No revisions to the approved inventory can be made, and no items not on the approved inventory may be used, except upon the approval by the Air Pollution Control Officer.

89. Prior to the use or occupancy of any structures, the Planning Director shall receive a copy of written operational policies by the permit holder ensuring that snow removal within the commercial structure C parking lots shall not occur between the hours of 10:00 p.m. to 7:00 a.m.

Housing

90. Prior to the use or occupancy of the hotel project, the permit holder shall construct facilities sufficient for the housing of 20 employees above the commercial area, within the hotel, or cabin footprint. Such facilities shall be held open for SilverTip resort employees for six months after Certificate of Occupancy of the Hotel, or the employee housing facilities (whichever is later). Thereafter, SilverTip employees shall be given preferential rights to the rental units. If sufficient demand does not exist from SilverTip employees, the employee housing may then be made available first to employees of other Fish Camp resort businesses, then to other Mariposa County Residents generally. Tenancies will be provided at fair market rents, and for no more than a six-month term, to help ensure that there is opportunity for a reasonable turn-over so the preferential rights of SilverTip employees can be maintained.

New Conditions

91. Any retaining wall structure proposed shall receive architectural treatment and landscaping treatment to enhance the visual characteristics of site. The design of each retaining wall structure must receive approval by the Planning Director.
92. The final site plan does not grant unconditional approval to install electrical support structure of any kind next to and adjacent to Highway 41 as depicted on the site plan. The Planning Director has the authority to establish conditions for screening of equipment pursuant to the County of Mariposa's Scenic Highway Overlay Zone (Condition No. 60). Code requirements applied to the vendor through the permitting process shall be considered in approval of screening.

93. The final site plan does not grant unconditional approval to install propane tanks and support structure(s) of any kind next to and adjacent to Big Creek and the proposed loop road system as depicted on the site plan dated June 29, 2009. The Planning Director has the authority to establish conditions for screening of all propane structures and storage areas to be built on the site. Code requirements applied to the supplier or vendor through the permitting process shall be considered in approval of screening
94. Cal Fire requires the project proponent receive approval of a Timberland Conversion Permit and a Timber Harvest Permit prior to any commercial logging of the site.
95. The proposal to use of 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 publically owned parcel of land.
96. Occupancy of the remote cabins is intended for transient occupancy use only. The remote cabins shall not be rented for more than 30 consecutive calendar days consistent with Mariposa County Transient Occupancy definition found in Chapter 3.36 of the Mariposa County Code.
97. The project shall be required to provide a minimum of 290 off-street parking spaces in locations as illustrated on the approved site plan, plus the additional parking spaces that may be required in the vicinity of the remote cabins to meet ADA requirements. The use of surface parking or the 1½ story parking structure which is included in the project description and acted upon by the Board of Supervisors are both approved as alternative means of meeting the parking requirements.
98. The lower 14,000 square feet of the mixed use building shall be used for back room hotel operations and storage associated with hotel services. Retail commercial use of this space shall not occur unless additional on-site parking is provided above 290 spaces according to the parking ratio required by the Fish Camp Specific Plan (for retail stores and service establishments) or further parking demand and supply analysis is approved by the Planning Director to support an alternative parking ratio.
99. The applicant shall establish the base elevations of average seasonal flows for Big Creek along the entire project frontage using accepted benchmark data as approved by the Mariposa County Engineer. The applicant shall project the probable 100 year flood elevations along the entire project frontage of Big

Creek. These probable flood elevations shall be plotted on all construction site plans in a pre- and post- project condition. In this regard, all construction including roads, retaining walls, fill areas and buildings shall be designed in such a manner as to not change the characteristics of the flow of Big Creek in a 100 year flood water condition, either on or off-site. All work shall be done by an appropriately qualified and licensed professional.