MARIPOSA COUNTY

P.O. Box 784 Mariposa, CA 95338 (209) 966-3222
5100 Bullion Street
http://www.mariposacounty.org/

MARSHALL LONG, CHAIR	**DISTRICT III**
ROSEMARIE SMALLCOMBE, VICE-CHAIR	**DISTRICT I**
TOM SWEENEY	**DISTRICT II**
WAYNE FORSYTHE	**DISTRICT IV**
MILES MENETREY	**DISTRICT V**

ACTION SUMMARY MINUTES

January 11, 2022

A. 9:00 AM Called to Order and Roll Call

Attendee Name	Title	Status	Arrived
Rosemarie Smallcombe	District I Supervisor	Present	9:00 AM
Tom Sweeney	District II Supervisor	Present	9:00 AM
Marshall Long	District III Supervisor	Present	9:00 AM
Wayne Forsythe	District IV Supervisor	Present	9:00 AM
Miles Menetrey	District V Supervisor	Present	9:00 AM

B. Pledge of Allegiance

Chair Smallcombe led the Pledge.

C. Introductions

Pete Judy/Chief Probation Officer introduced Darrell Smith, the new Deputy Probation Officer, who was recruited from the Fresno Probation Department.

D. Approval of Consent Agenda (Items designated by "CA")

No public input.

RESULT: **ADOPTED [UNANIMOUS]**

MOVER: Wayne Forsythe, District IV Supervisor

SECONDER: Tom Sweeney, District II Supervisor

AYES: Smallcombe, Sweeney, Long, Forsythe, Menetrey

CA1. **Health and Human Services** **RES-2022-18**

Resolution Continuing a Shelter Crisis Local Emergency in Mariposa County

CA2. **Health and Human Services** **RES-2022-19**

Resolution Continuing the Public Health Local Emergency Due to the COVID-19 Pandemic

CA3. **Sheriff's Office RES-2022-20**

Resolution Continuing the Local Emergency Due to the COVID-19 Global Pandemic

CA4. **Board of Supervisors RES-2022-21**

Ratify a Letter in Support of YARTS' Grant Application to the Nationally Significant Federal Lands and Tribal Projects (NSFLTP)

CA5. **Public Works RES-2022-22**

Approve Fifth Amendment with Quincy Engineering Extending the Term of Agreement to December 31, 2024, and Add Reimbursement to Contractor Language Under Compensation for Bridge Design Services of the Bridge on Dogtown Road Over Maxwell Creek (Bridge No. 40C0039); and Authorize the Board of Supervisors Chair to Sign the Amendment

CA6. **Public Works RES-2022-23**

Approve a First Amendment for Emergency Repair Work on White Rock Road with Palmer Tractor to Continue Temporary Plate Rental Which Will Increase Compensation by $9,884.00 for a Total Amount Not to Exceed $19,882.50; and Authorize the Interim Director of Public Works to Sign the Amendment 4/5ths Vote Required

CA7. **Sheriff's Office RES-2022-24**

Authorize the Sheriff to Apply for Financial Aid from the California State Parks and Recreation Boating Safety and Enforcement Program; Authorize the Sheriff to Sign the Application; Authorize the Sheriff to Sign the Department's Form for Each Reimbursement Claim; and Authorize the County Auditor to Certify the Amount of Prior Year Vessel Taxes Received by the County (Subject to Approval as to Legal Form by County Counsel)

E. Departmental Presentation

Eric Sergienko/County Health Officer provided a flyer regarding the testing site move and noted that the team investigated various options and decided that this location was best. He also reported that while they have not received any sequencing results to indicate that the Omicron variant is in the area, they have seen an inflection point in the County which indicates it is here. Dr. Sergienko noted the exponential growth in cases globally and discussed his expectations locally, noting that the County is seeing similar growth. He cautioned that, while the percentage of people hospitalized with this variant is smaller, the increased transmissibility means more cases which is resulting in hospitalizations remaining at high levels. Dr. Sergienko also reported that he has needed to transfer patients to other hospitals as we did last winter. He also discussed the impacts on hospitals and schools, advised of local schools that were closed because classes could not be conducted safely due to the high percentages of infected staff and faculty members. Dr. Sergienko also advised that the County is seeing similar impacts in employees, with Monday seeing the largest number of

positive tests among employees. He also: spoke to the benefits of being vaccinated; discussed new guidance from the California Department of Health; encouraged everyone to monitor for symptoms so that they can take the appropriate course of action; and advised that CAL OSHA has determined that all the new guidance also applies to the workplace.

Kari Kisela/Chamber of Commerce provided updates on their memberships noting that they have a steady 150 members who are active on the Chamber membership list which is only slightly lower than the 150-156 members in the Oakhurst Chamber. Ms. Kisela also reminded of the upcoming ribbon cutting at Nayo's this Thursday and noted that now is the time for business owners and managers to update their Google profiles, if necessary.

Jacob Hawley/Visitor Center Operations reported on the success of the Made in Mariposa store in 2021 despite the drop in visitors.

Leigh Westerlund/Assistant County Administrative Officer handed out an ERP Status Report and discussed some of the implementation difficulties that have been encountered. She also noted that training and receivables are things that they have not had time to address, and she noted that they will continue to work with Graviton a bit longer but that it has become increasingly clear that the only way this will get done is to add additional resources to it. Board discussion ensued regarding a past action for a half-time person, what was covered by the Graviton contract, the need for a schedule especially with two of the modules sitting at 0% completed, what has been done about training, the accessibility of training materials. Luis Mercado/Auditor discussed the difficulties in converting to a centralized database, and changes to procedures for cash acceptance, timecards/payroll, and contracts. Further discussion ensued regarding whether the numerous challenges were foreseen by the consultant, the need for dedicated staff to work on the project, the need to look at organizational structure and having specialists on staff, particularly for contracts, and the need for additional resources. Mr. Mercado noted that the system was designed in anticipation of a bi-weekly pay period but that one of the bargaining units did not cooperate, which leaves the County trying to make monthly payments on a bi-weekly system. Supervisor Long, noting that the issue had to do with a bargaining unit, requested County Counsel to set up a closed session to allow the Board to discuss the matter. Supervisor Smallcombe noted that in her professional experience, it has taken at least two years to implement an ERP system but noted that they had written procedures for everything which make it a matter of reconciling differences with internal procedures to find what worked for everyone.

Jeremy Briese/Sheriff - Coroner - Public Administrator noted some differences from the old system and stated that he does see the benefits of the new system, especially with midyear budget review. Sheriff Briese advised that they are looking at completing some span and control studies to provide data regarding their needs. He also discussed that they are working on specializing two additional deputies and a sergeant to focus on Ag crimes and ranchland, and some new software that can, hopefully, prevent victimization of our ranchers. Sheriff Briese noted that they hope to do some meet and greets in the future but that they are just taking reports for now. He also advised of recent thefts of catalytic converters.

Pete Judy/Chief Probation Officer extended thanks to Mr. Mercado, his staff, and Ms. Westerlund for their time on the ERP implementation. Chief Judy noted that he has gone through numerous systems in his career which has included time in San Diego and Stanislaus counties and advocated for more resources for the project. He noted that the other jurisdictions set up whole teams that did the beta testing who

then provided feedback on the bugs. He contrasted that with Mariposa County noting that, here, the County employees are the beta testers, which means that people are pulled away from their normal work while they need to do their regular jobs. Chief Judy also discussed the need for contracts and noted that centralizing things like gas, electric, and phone bills would be useful.

Dallin Kimble/County Administrative Officer expressed his gratitude for the discussion and support and noted that they will be pursuing additional resources. He also noted that when the project was implemented, it was the beginning of the pandemic when the County was trying to not layoff staff. Mr. Kimble also reported that there are currently twenty County staff members isolating or in quarantine due to COVID-19, with thirteen contacts for a single employee who because ill and advised that many departments are short-staffed. He also announced that the County received a $22,000 microenterprise grant for small businesses with five or fewer employees and noted that any questions about the grant should be directed to Tara Schiff.

F. Public Comment on Non-Agenda Items

Carol Suggs advised that the Taste of Mariposa, which is a fundraiser for the Butterfly Festival, will be held on April 2nd, and that tickets are available for $45 each. She also provided a flyer for "Murder Most Suspect" a murder mystery event that will be part of the evening's entertainment along with a silent auction. Ms. Suggs noted that items are being sought for the auction and advised that people interested in donating should contact tasteofmariposa@gmail.com. Finally, Ms. Suggs noted that the Butterfly Festival will take place on April 23rd and 24th this year.

G. Regular Agenda Items

1. **Planning RES-2022-25**

Adopt a Resolution Approving the Submittal of an Application to the Caltrans Clean California Local Grant Program to Fund the Downtown Mariposa Mural Project and Authorizing the Planning Director to Sign the Application; Authorize the Board of Supervisors Chair to Sign the Grant Agreement and Associated Agreements with Collaborating Property Owners, If Awarded (Subject to Approval as to Legal Form by County Counsel); and Authorize the Board of Supervisors Chair to Sign the Letter of Support

Sarah Williams/Planning Director introduced Cara Goger/Arts Council who gave the report as a partner on this grant. Supervisor Long and Ms. Goger discussed how the arts team will be selected and who will have final approval of the project. Supervisor Long requested that the Board of Supervisors have the final approval so they can schedule a public review. During public comment, Jonathan Noel inquired if there will be murals in areas other than downtown Mariposa. Ms. Goger noted that the plan contained in the Creative Placemaking Strategy is to install murals countywide but that this is just the first step in that ladder. Supervisor Menetrey discussed the merits of the program, especially having a professional team of artists creating the art. Supervisors Forsythe and Smallcombe discussed the positive effects of the murals that already exist on Highway 140 and on school sites.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Marshall Long, District III Supervisor
SECONDER:	Tom Sweeney, District II Supervisor
AYES:	Smallcombe, Sweeney, Long, Forsythe, Menetrey

Recess

10:33 AM Chair Smallcombe recessed the meeting for a brief break and reconvened at 10:38 AM.

2. **Planning RES-2022-26**

Adopt a Resolution Approving County Code Amendment No. 2021-162 with Findings, Including a Finding the Project is Exempt from Environmental Review. Project Adds New Section 17.108.230 to Title 17, Zoning, to Allow Flexibility in the Use of Identified Historic Structures Countywide, through the Conditional Use Permit Process, If the Project Includes Restoring and Preserving the Historic Structure to Reflect Its Original State; County of Mariposa, Project Proponent.

Sarah Williams gave the staff report, noting that this will add a new section to provide more flexibility in the use of identified historic structures countywide and not just in the town of Mariposa. No public comment. Supervisors Forsythe and Long extended thanks. Supervisor Long noted that it may be time for the County to look at the Mills Act, which is to historic structures what the Williamson Act is for agricultural land.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Wayne Forsythe, District IV Supervisor
SECONDER:	Marshall Long, District III Supervisor
AYES:	Smallcombe, Sweeney, Long, Forsythe, Menetrey

3. **Planning 2022-ORD-1171**

Waive the First Reading and Introduce an Ordinance Amending Title 17, Zoning, to Add Section 17.108.230 to Chapter 17.108 (Supplementary Standards) to Establish Special Use Provisions for Historic Structures Countywide, in Rural Areas of the County

Sarah Williams associated her comments from the prior item, noting that this is the ordinance component. No public comment.

RESULT:	**INTRODUCED [UNANIMOUS] Next: 1/25/2022 9:00 AM**
MOVER:	Marshall Long, District III Supervisor
SECONDER:	Tom Sweeney, District II Supervisor
AYES:	Smallcombe, Sweeney, Long, Forsythe, Menetrey

4. **Public Works RES-2022-27**

Review Emergency Repair Work on White Rock Road as Required by Public Contract Code Section 22050(C)(1); and Adopt a Finding that There is a Need to Continue the Emergency Action Pursuant to Public Contract Code Section 22050 4/5ths Vote Required

Shannon Hansen/Interim Public Works Director provided the update, noting that the materials should be in this week. She also advised that they should start construction next week, providing that the creek water level is appropriate. Once started, the construction will take approximately ten days. No public comment.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Marshall Long, District III Supervisor
SECONDER:	Wayne Forsythe, District IV Supervisor
AYES:	Smallcombe, Sweeney, Long, Forsythe, Menetrey

5. **Public Works RES-2022-28**

Approve an Agreement with Bartle Wells Associates for a Wastewater Utility Rate Study for Don Pedro and Mariposa Pines Service Areas, Water and Wastewater Utility for Coulterville Service Area, and a Water and Wastewater Utility Rate Study and Road Assessment for the Yosemite West Maintenance District in an Amount Not to Exceed $25,000; and Authorize the Public Works Interim Director to Sign the Agreement

Larry Harris/Deputy Public Works Director gave the staff report, noting that this agreement is needed to conduct a utility rate study. In response to Supervisor Sweeney's inquiry regarding timeline, Mr. Harris noted that they should be able to complete the study in early summer or fall, at the latest. He also discussed planned community outreach, and the need for procedures. No public comment.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Marshall Long, District III Supervisor
SECONDER:	Wayne Forsythe, District IV Supervisor
AYES:	Smallcombe, Sweeney, Long, Forsythe, Menetrey

H. Items removed from Consent Agenda

None.

I. Closed Session

1. **County Counsel (ID # 12480)**

Closed Session with Legal Counsel: Anticipated Litigation; Significant Exposure to Litigation Pursuant to Subdivision (B) of Government Code Section 54956.9; Number of Cases to be Discussed: 1

RESULT: WITHDRAWN

2. **Administration/Human Resources (ID # 12503)**

CLOSED SESSION: Public Employee Employment Title or Position to be Filled: (Government Code Section 54957 (B) (1); Public Works Director

No public comment.

RESULT: CLOSED SESSION HELD

3. **Administration/Human Resources (ID # 12502)**

CLOSED SESSION: Public Employee Employment Title or Position to be Filled: (Government Code Section 54957 (B) (1); Building Department Director

No public comment.

RESULT: CLOSED SESSION HELD

Recess

11:03 AM Chair Smallcombe moved the meeting into Closed Session.

J. 2:00 PM Reconvene

Chair Smallcombe reconvened the meeting with all Board members present.

1. **Planning RES-2022-29**

PUBLIC HEARING: Resolution Adopting a Mitigated Negative Declaration and Approving Commercial-Industrial-Manufacturing (CIM) Plan No. 2021-124 for Wildhaven Yosemite, an 80-Unit Glamping Project, with Findings, Conditions, and Mitigation Measures. the Project is Located at 4808 Highway 140, APN 012-180-056. CalCamp2 LLC Dba Wildhaven Yosemite, Applicant.

Sarah Williams introduced Steve Engfer/Deputy Planning Director, who gave the staff report accompanied by a PowerPoint presentation. During public comment, Jonathan Farrington/Yosemite Mariposa County Tourism Bureau Executive Director and Economic Development Corporation Board Chair spoke in support of the project, as did Tara Schiff/Economic Development Specialist. Ken Barber, in response to an inquiry from Supervisor Forsythe, noted that they would like to pursue working with YARTS to transport people into town or, possibly, Yosemite National Park. Board discussion ensued regarding the project's minimal impact on adjacent property, the water and septic capabilities at the site, fire pit enclosures and the need for them to be attended by staff, and the number of units to be used for staff residences.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Marshall Long, District III Supervisor
SECONDER:	Wayne Forsythe, District IV Supervisor
AYES:	Smallcombe, Sweeney, Long, Forsythe, Menetrey

2. **Administration (ID # 11841)**

Discussion and Direction Regarding Housing Development Priorities and Trends

Dallin Kimble and Ben Goger/Housing Development Specialist gave the staff report accompanied by a PowerPoint presentation. Mr. Goger confirmed that this item is merely to provide an update and that no action is being sought. Board discussion ensued regarding the upper mobility grants, how a housing trust fund would work, the definition of moratorium where vacation rentals are concerned, and the need for data regarding homes that are being removed from the housing inventory because they are illegally used and destroyed.

Public comment opened.

Barbara Stewart spoke to the decline in the quality of life by visitors who are less invested in the community. She also discussed negative experiences associated with vacation home renters who bring guns, all-terrain vehicles, and are noisy into the night, and noted that some cities are already limiting vacation rentals. Ms. Stewart also advised that she likes the solution of only allowing rentals on the property where the owner resides so that they can monitor what is happening.

Jim Evans advised that a lot of communities are putting transient occupancy units in industrial commercial areas so that it doesn't impact communities. He also spoke in support of creating a housing trust fund and suggested that it should be dedicated to that purpose but that the County would be able to borrow from it to do other things.

Jessica Thompson discussed the pervasiveness of the housing shortage, noting that it affects everyone including the middle class and entry level professionals, and she urged the completion of an analysis to guide future actions.

Cara Goger noted that the memo bears out what she is seeing as an organization leader, because she has two staff members who have to leave because they cannot find housing. Ms. Goger also extended her thanks and appreciation for the conversation.

Kevin Spach noted that the memo overlooks the affordability of alternative style housing for homeowners or for those who want to rent out on their property and suggested that the conversation should consider other things like tiny homes. He noted that he has heard that we are getting our code to mirror the rest of California and noted that this was an economy where you could build a small house and now you can't and advised that thought must be given to how to change the rules to make housing affordable.

Irene Vasquez advised of moving away to go to university but returned to find housing hard to find. She also noted that the little houses are not good for everyone and noted that we need housing so that we can afford to live how we want to. Ms. Vasquez also noted that short term rentals have made it difficult, and she advised that she does think operating one should be limited to the people who live here because it is unreasonable that people from out of the community are buying up the housing.

Warren Gray referenced the written comments that he supplied and noted that he was in the process of putting in extensive upgrades to a house that he planned on using for a vacation rental and that, if a moratorium is passed, he will let it collect cobwebs before using it for another long-term renter.

Shannon Gadd/Health and Human Services Agency Director noted that the focus should be on infrastructure because you can't build a house without it. Ms. Gadd also advised that there has been impressive funding coming from the state and federal governments but none of it pays for infrastructure. She also discussed various State programs, noting the constraints that prevent their use in Mariposa County, and advising that this is an opportunity to advocate for flexibility in housing funding.

Colleen Rhodes referenced SB-2, which was passed in 2017 and which requires the Recorder to charge a fee for each recording associated with real estate documents to use for workforce housing and inquired as to who could provide information on the use of those funds.

Lorraine Freeman extended thanks for looking at this issue, suggested that the County consider the provisions from Carmel contained in appendix A; suggested that people who have already invested and put the money into converting a home could be grandfathered in; inquired about the need to remove roads from the County maintained road system whenever a new one is put in and wondered if that could be changed; and noted concerns that it would be more difficult to get contractors in North County.

Kathleen Armstrong noted that the unsustainable growth in the short-term rentals must be addressed because of the impact that it is having on our labor force, workers, and families and suggested that if the Board doesn't wish to consider a moratorium on conversions to short term rentals, then an alternate idea would be to divert T.O.T. monies coming from these particular properties to developing studies and long term strategies for our housing shortage to create sustainable local workforce housing for the people who have been here so long.

Public comment closed.

In response to the SB-2 question, Ben Goger noted that the County received $160,000 in 2019 from SB-2 which was used to help fund the development code update, and that $128,000 was received in 2020 which was used for the water main for the Creekside Terrace. As to the roads question, Mr. Goger noted that the County receives a finite amount of funding to maintain roads which requires removal of a road from the system when one is being added. Board discussion ensued.

DIRECTION:

The Board requested that the County Administrative Officer return with a future item to further discuss this issue, and directed that the item include financial mechanisms as well as potential options regarding short-term rentals.

RESULT: DIRECTION GIVEN

K. Board Information

Information received.

Report Out

4:24 PM Chair Smallcombe reported that Information was Received and Direction was Given in both Closed Sessions.

L. Adjournment

4:24 PM Chair Smallcombe adjourned the meeting in memory of Leonard H. Brown and Betty Jean Collins.

Respectfully submitted,

René LaRoche
Clerk of the Board

Rosemarie Smallcombe
Chair, Board of Supervisors

MARIPOSA COUNTY

Health and Human Services · (209) 966-2000

RESOLUTION - ACTION REQUESTED 2022-18

MEETING: January 11, 2022

TO: The Board of Supervisors

FROM: Shannon Gadd, Health and Human Services Agency Director

RE: Continue a Shelter Crisis Local Emergency in Mariposa County

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RECOMMENDATION AND JUSTIFICATION:
Resolution Continuing a Shelter Crisis Local Emergency in Mariposa County.

California Government Code 8698, 8698.1 and 8698.2 allows for the governing body of a city or county to declare a shelter crisis. A shelter crisis declaration relaxes standards for building occupancy, limits liability and provides a legal basis for the use of certain facilities designated by the County as a shelter for the duration of the crisis.

In order to declare the shelter crisis, the County made findings at a public meeting and adopted Resolution 18-518 that (1) a significant number of persons within the county's jurisdiction are without the ability to obtain shelter; and (2) the situation has resulted in a threat to the health and safety of those persons.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
On November 5, 2018, the Board of Supervisors adopted Resolution 18-518 declaring the existence of a Shelter Crisis Local Emergency in Mariposa County to allow Mariposa County to proceed with temporary homeless shelter solutions to meet the needs of our homeless community members.

Recognizing the prevalence of homelessness in California and the health and safety risks facing homeless persons, California law authorizes counties to declare a "shelter crisis" and avail themselves to attendant protections and powers. Specifically, upon declaring a "shelter crisis":

- A county may allow persons unable to obtain housing to occupy designated public facilities during the duration of the emergency (public facilities include parks, schools, and vacant or underutilized facilities which are owned, operated, leased, or maintained by the county);
- A county is immune from liability for ordinary negligence in the provision of emergency housing for all conditions, acts, or omissions directly related to, and which would not occur but for, the provision of emergency housing; and

- The provisions of any state or local law or regulation prescribing standards of housing, health, and safety are suspended to the extent that strict compliance would prevent, hinder, or delay the mitigation of the effects of the crisis.

If the County desires to construct and operate an emergency homeless shelter, it is recommended that the County Board of Supervisors first declare a "shelter crisis" in order to avail itself of the associated powers and liability protections.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Do not continue the local emergency and the County may not be eligible for possible State or Federal assistance, or proceed with temporary homeless shelter solutions.

RESULT: **ADOPTED BY CONSENT VOTE [UNANIMOUS]**
MOVER: Wayne Forsythe, District IV Supervisor
SECONDER: Tom Sweeney, District II Supervisor
AYES: Smallcombe, Sweeney, Long, Forsythe, Menetrey

MARIPOSA COUNTY

Health and Human Services · (209) 966-2000

RESOLUTION - ACTION REQUESTED 2022-19

MEETING: January 11, 2022

TO: The Board of Supervisors

FROM: Shannon Gadd, Health and Human Services Agency Director

RE: Continue the COVID-19 Public Health Local Emergency

RECOMMENDATION AND JUSTIFICATION:
Resolution Continuing the Public Health Local Emergency Due to the COVID-19 Pandemic.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
On March 13, 2020, Mariposa County Public Health Officer, Dr. Eric Sergienko declared a local public health emergency in response to the COVID-19 Pandemic. On March 17th, 2020 the Mariposa County Board of Supervisors adopted a Resolution ratifying a Local Health Emergency.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Do not continue the local emergency and the County will not be eligible for possible State or Federal disaster assistance.

RESULT: **ADOPTED BY CONSENT VOTE [UNANIMOUS]**
MOVER: Wayne Forsythe, District IV Supervisor
SECONDER: Tom Sweeney, District II Supervisor
AYES: Smallcombe, Sweeney, Long, Forsythe, Menetrey

REF ID# 12494

MARIPOSA COUNTY

Sheriff's Office · 209 966-3615

RESOLUTION - ACTION REQUESTED 2022-20

MEETING: January 11, 2022

TO: The Board of Supervisors

FROM: Jeremy Briese, Sheriff

RE: Continue the Local Emergency Due to COVID-19

RECOMMENDATION AND JUSTIFICATION:

Resolution Continuing the Local Emergency Due to the COVID-19 Global Pandemic.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

March 24, 2020: The Board ratified the March 17, 2020 Local Emergency Proclamation Due to the COVID-19 Global Pandemic. Additionally, the Board has ratified similar proclamations in the past during other emergencies.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

If the Board does not continue the proclamation, the County will not be eligible for possible State or Federal disaster assistance.

FINANCIAL IMPACT:

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RESULT: **ADOPTED BY CONSENT VOTE [UNANIMOUS]**
MOVER: Wayne Forsythe, District IV Supervisor
SECONDER: Tom Sweeney, District II Supervisor
AYES: Smallcombe, Sweeney, Long, Forsythe, Menetrey

REF ID# 12496

MARIPOSA COUNTY

Board of Supervisors · 209-966-3222

RESOLUTION - ACTION REQUESTED 2022-21

MEETING: January 11, 2022

TO: The Board of Supervisors

FROM: Rosemarie Smallcombe, District I Supervisor

RE: Ratify a Letter of Support for YARTS Grant Application

RECOMMENDATION AND JUSTIFICATION:
Ratify a Letter in Support of YARTS' Grant Application to the Nationally Significant Federal Lands and Tribal Projects (NSFLTP).

The Yosemite Area Regional Transportation System (YARTS) is a Joint Powers Authority comprised of the counties of Madera, Mariposa, Merced, Mono, and Tuolumne. YARTS has worked in close partnership with Mariposa County and the National Park Service for more than 20 years in providing public transit service to Yosemite National Park to and from outlying areas.

The NSFLTP program is designed to provide funding under the Fixing America's Surface Transportation (FAST) Act for the construction, reconstruction, and rehabilitation of nationally significant projects on Federal or tribal lands. If successful in obtaining a grant, YARTS intends to use the funds to:

- Purchase land to establish a new facility for YARTS
- Purchase 10 clean-diesel coaches for YARTS
- Provide site acquisition and construction costs for a town-operated transportation facility in Mariposa
- Provide charging installations within the Park in Yosemite Valley and near the South entrance; and
- Purchase 10 new electric buses for the Valley/Mariposa grove shuttles, with associated technology.

County staff received the YARTS request for the letter of support on Monday, January 3, 2022, with a deadline of close of business on Thursday, January 6, 2022. With the short turn-around window, there was insufficient time to bring the letter before the Board prior to the deadline. Consequently, in consideration of the Board's historic support of YARTS' endeavors, the Board Chair authorized the letter which now needs ratification by the Board.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
The Board routinely approves or ratifies letters of support for YARTS and other agencies when it determines them to be in the best interest of the county.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Do not approve. Staff would notify recipients of a retraction in that event.

ATTACHMENTS:
Mariposa Co. BOS Letter of Support (PDF)
FAST Act - NSLTP Program Overview (PDF)

RESULT: ADOPTED BY CONSENT VOTE [UNANIMOUS]
MOVER: Wayne Forsythe, District IV Supervisor
SECONDER: Tom Sweeney, District II Supervisor
AYES: Smallcombe, Sweeney, Long, Forsythe, Menetrey

Mariposa County Board of Supervisors

District 1 ... ROSEMARIE SMALLCOMBE
District 2 ..... TOM SWEENEY
District 3 ..... MARSHALL LONG
District 4 ..... WAYNE FORSYTHE
District 5 ..... MILES MENETREY

DALLIN KIMBLE
County Administrative Officer

RENÉ LAROCHE
Clerk of the Board

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January 6, 2021

Stacie Guzman
Executive Director, Yosemite Area Regional Transportation System
369 W. 18th Street
Merced, CA 95340

Dear Ms. Guzman,

The Mariposa County Board of Supervisors fully supports the Nationally Significant Federal Lands and Tribal Projects (NSFLTP) Program application submitted by the Yosemite Area Regional Transportation System (YARTS). This proposed project would be a transformative investment not only because it would greatly enhance access to Yosemite National Park by public transit, improve transportation services within Yosemite National Park and reduce vehicular congestion in the Park, but also because of the environmental benefits to be realized with that reduced vehicle travel.

As reflected in YARTS' application, the agency is partnering with Mariposa County and Yosemite National Park to purchase land to establish a maintenance and operations facility for YARTS in Merced, CA, purchase 10 clean diesel buses to replace an aged fleet, implement site improvements for a transportation center in the gateway community of Mariposa, CA, develop a charging facility in Yosemite Valley and Mariposa Grove for electric buses within Yosemite National Park and purchase 10 heavy duty battery electric buses for in-park public transportation services. As a small, rural transit agency, funding for capital purchases has proven to be a challenge. This grant award would have significant benefit to the Yosemite gateway communities and result in substantial reductions of emissions and vehicular traffic to one of the world's greatest wonders.

YARTS operates on all four highways that lead to Yosemite National Park. Offering a world class operation like YARTS fulfills Park management goals of reducing visitor and employee traffic congestion, mitigating parking demand, and reducing air pollution in California, the greater San Joaquin Valley Air basin, and within Yosemite National Park. YARTS is a reliable transportation service for local, state, national, and international visitors including the elderly, persons with disabilities, Park employees, and visitors who may not have the means or ability to travel by private vehicle. Yosemite National Park sees an average of 4.6 million

Attachment: Mariposa Co. BOS Letter of Support (RES-2022-21 : Ratify a Letter of Support for YARTS Grant Application)

visitors a year, many of whom prefer to enjoy the ride on YARTS rather than driving on mountainous terrain. YARTS has proven to be a good partner in supporting Yosemite National Park in 2020 and 2021 during the introduction of a day use Park entry reservation system (in response to COVID-19) and can help to fulfill future strategic approaches to visitor use management.

The Mariposa County Board of Supervisors is pleased to support YARTS' application for such a transformative investment that will improve access to Yosemite National Park and realize a number of environmental benefits as well as enhance system sustainability. Thank you in advance for your consideration of our support and favorable review of the application.

Sincerely,

Rosemarie Smallcombe
Board Chair
Mariposa County Board of Supervisors

Attachment: Mariposa Co. BOS Letter of Support (RES-2022-21 : Ratify a Letter of Support for YARTS Grant Application)

U.S. Department of Transportation
Federal Highway Administration
1200 New Jersey Avenue, SE
Washington, DC 20590
202-366-4000

Fixing America's Surface Transportation Act or "FAST Act"

NATIONALLY SIGNIFICANT FEDERAL LANDS AND TRIBAL PROJECTS

Fiscal year	2016	2017	2018	2019	2020
Authorization*	$100 M	$100 M	$100 M	$100 M	$100 M

* Subject to appropriation

Program purpose

The FAST Act establishes the Nationally Significant Federal Lands and Tribal Projects (NSFLTP) program to provide funding for the construction, reconstruction, and rehabilitation of nationally-significant projects on Federal or tribal lands.

Statutory citation

FAST Act § 1123

Funding features

All funding is subject to appropriation from the General Fund.

Federal share

Up to 90%. Federal funds, except those provided under Title 23 and 49, may be used for the non-Federal share. [FAST Act § 1123(g)]

Eligible projects and project costs

Project type
The Secretary may provide financial assistance only for a single continuous project that—

- Is on a Federal lands transportation facility, Federal lands access transportation facility or tribal transportation facility, as defined in 23 U.S.C. 101, but the facility is not required to be listed in

Attachment: FAST Act - NSLTP Program Overview (RES-2022-21 : Ratify a Letter of Support for YARTS Grant Application)

the national tribal transportation facility inventory [23 U.S.C. 202(b)] or the national Federal lands transportation facility inventory [23 U.S.C. 203(c)];
- Has completed the National Environmental Policy Act (NEPA) process, as demonstrated by a completed record of decision, finding of no significant impact, or categorical exclusion determination; and
- Has an estimated cost of at least $25 million (with priority consideration for projects with an estimated cost of at least $50 million). [FAST Act § 1123(c)]

Eligible project costs

Financial assistance received for a project may only be used for construction, reconstruction, and rehabilitation. Costs associated with project design are not eligible. [FAST Act § 1123(d)]

Eligible applicants

Any entity eligible to receive funding under the Tribal Transportation Program, Federal Lands Transportation Program, or Federal Lands Access Program [23 U.S.C. 202-204] is eligible under the NSFLTP program. In addition, a State, county, or local government may apply if sponsored by an eligible Federal land management agency or Indian tribe. [FAST Act § 1123(b)]

Selection criteria

In reviewing applications for the NSFLTP program, the Secretary will consider the extent to which the project—

- Furthers the Department's goals, including state of good repair, economic competitiveness, quality of life, and safety;
- Improves the condition of critical transportation facilities, including multimodal transportation facilities;
- Needs construction, reconstruction, or rehabilitation;
- Has matching funds (projects with a greater percentage of matching funds rank higher than projects with a lesser percentage of matching funds);
- Is included on or eligible for the National Register of Historic Places;
- Uses new technologies and innovations to increase project efficiency;
- Is supported (whether for construction or for operation and maintenance) by funds other than those received under this program;
- Spans two or more States; and
- Serves land owned by multiple Federal agencies or Indian tribes. [FAST Act § 1123(f)]

February 2016

Page last modified on February 8, 2017

Attachment: FAST Act - NSLTP Program Overview (RES-2022-21 : Ratify a Letter of Support for YARTS Grant Application)

MARIPOSA COUNTY

Public Works · 209-966-2498

RESOLUTION - ACTION REQUESTED 2022-22

MEETING: January 11, 2022

TO: The Board of Supervisors

FROM: Shannon Hansen, Interim Director of Public Works & Transportation

RE: Approve a Fifth Amendment with Quincy Eng for Dogtown Bridge #39

RECOMMENDATION AND JUSTIFICATION:
Approve Fifth Amendment with Quincy Engineering Extending the Term of Agreement to December 31, 2024 and Add Reimbursement to Contractor Language under Compensation for Bridge Design Services of the Bridge on Dogtown Road Over Maxwell Creek (Bridge No. 40C0039); and Authorize the Board of Supervisors Chair to Sign the Amendment.

This project is funded through the Federal Highway Administration, Federal Highway Bridge Program as part of the current Federal Transportation Bill, MAP-21. Caltrans manages the program in the State of California. Under current regulations 100% of the cost of these contracts, and the staff time necessary for Public Works to manage them, are reimbursable from the Highway Bridge Program.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
On December 11, 2018 Resolution 2018-596 the Board authorized to extend the terms to December 31, 2021.

On February 28, 2017 Resolution 2017-100 to extend the term of the Agreement to December 31, 2018 and increase compensation by $364,000.

On March 8, 2016 Resolution 2016-115 authorized to extend the date of completion to December 31, 2017.

On January 6, 2015, Resolution #2015-14 authorized to extend the date of completion of the Agreement to December 31, 2015.

On October 15, 2013, Resolution #2013-459 authorized Public Works to enter into two Agreements with Quincy Engineering for bridge design for two bridges on Dogtown Road.

On May 28, 2013 the Board approved a Program Supplement with Caltrans for these three bridges.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Do not approve, the designer could not be paid and their progress would be halted and the bridge design would not be completed.

REF ID# 12473

FINANCIAL IMPACT:
There is no financial impact as funding for this project is reimbursable in full.

ATTACHMENTS:
Quincy 5th amd #39 (PDF)
Quincy 4th amd #39 (PDF)
Quincy Eng 3rd amd & addm (PDF)
Quincy Eng 2nd amd (PDF)
Quincy Eng 1st amd 40C0039 (PDF)
Quincy Eng. 14-013 40C0039 (PDF)
Quincy Eng 5th amd #39 Dogtown-Maxwell (DOC)

RESULT: ADOPTED BY CONSENT VOTE [UNANIMOUS]
MOVER: Wayne Forsythe, District IV Supervisor
SECONDER: Tom Sweeney, District II Supervisor
AYES: Smallcombe, Sweeney, Long, Forsythe, Menetrey

FIFTH AMENDMENT TO AGREEMENT FOR ENGINEERING AND DESIGN SERVICES FOR DOGTOWN OVER MAXWELL CREEK BRIDGE 40C0039

THIS FIFTH AMENDMENT TO AGREEMENT FOR ENGINEERING AND DESING SERVICES FOR DOGTOWN OVER MAXWELL CREEK BRIDGE #40C0039 is made and entered into this _____ day of _____, 2022, by and between the County of Mariposa, a political subdivision of the State of California, hereinafter referred to as "**County,**" and Quincy Engineering, hereinafter referred to as "**Contractor.**"

WHEREAS, **County** and **Contractor** have heretofore entered into an Agreement dated October 15, 2013, wherein **Contractor** agreed to provide engineering and design services; and

WHEREAS, **County** and **Contractor** entered into a First Amendment dated January 6, 2015 to extend the term of the Agreement to December 31, 2015.

WHEREAS, **County** and **Contractor** entered into a Second Amendment dated March 8, 2016 to extend the term of the Agreement to December 31, 2017.

WHEREAS, **County** and **Contractor** entered into a Third Amendment dated February 28, 2017 to extend the term of the Agreement to December 31, 2018, expand the scope of services, and increase compensation by Three Hundred Sixty Four Thousand Dollars ($364,000) for a total not to exceed amount of Five Hundred Thirty Five Thousand Dollars ($535,000).

WHEREAS, **County** and **Contractor** entered into a Fourth Amendment dated December 11, 2018 to extend the term of the Agreement.

WHEREAS, **County** and **Contractor** desire extend the term of the Agreement to December 31, 2021 to **Contractor**;

NOW, THEREFORE, the parties hereto in consideration of the mutual covenants herein recited, hereby agree as follows:

1. Paragraph 1.01, "TERM", is hereby amended extend the term of the Agreement to December 31, 2024.

2. Paragraph 4.01, "COMPENSATION" is hereby amended to add reimbursement language as follows: is hereby amended to provide that the Contractor agrees to be reimbursed for hours worked at the hourly rates specified in Exhibit A, "10-H2 Specific Rate of Compensation." The specified hourly rates shall include direct salary costs, employee benefits, prevailing wages, employer payments, overhead and fee. These rates are not adjustable for the performance period set forth in this agreement.

Attachment: Quincy 5th amd #39 (RES-2022-22 : Approve a Fifth Amendment with Quincy Eng for Dogtown Bridge #39)

3. Except as herein amended, the agreement dated October 15, 2013 together with the First Amendment dated January 6, 2015, the Second Amendment dated March 8, 2016, the Third Amendment dated February 28, 2017 and the Fourth Amendment dated December 11, 2018 shall remain in full force and effect.

The Agreement, as hereby amended, is ratified and continued. All provisions, terms, covenants, conditions and promises contained in this Agreement not amended herein shall remain in full force and effect. This Amendment is effective retroactive to [insert expiration date]. The parties shall treat the Agreement as if it had been in full force and effect continuously since December 31, 2021, without there having been any interruption of the Agreement whatsoever.

IN WITNESS WHEREOF, the parties have caused this Amendment to be executed on the date first above written.

COUNTY OF MARIPOSA:

Rosemarie Smallcombe, Chairman
Mariposa County Board of Supervisors

CONTRACTOR:

Quincy Engineering

ATTEST:

RENE LAROCHE
Clerk of the Board

APPROVED AS TO FORM:

STEVEN W. DAHLEM
County Counsel

Attachment: Quincy 5th amd #39 (RES-2022-22 : Approve a Fifth Amendment with Quincy Eng for Dogtown Bridge #39)

10-H2 COST PROPOSAL Page 1 of 6

SPECIFIC RATE OF COMPENSATION (USE FOR ON-CALL OR AS-NEEDED CONTRACTS)
(CONSTRUCTION ENGINEERING AND INSPECTION CONTRACTS)

Note: Mark-ups are Not Allowed

Consultant: Quincy Engineering, Inc. ■ Prime Consultant ☐ Subconsultant ☐ 2nd Tier Subconsultant

Client: Mariposa County

Project: Dogtown Road Bridge (40C0039) over Maxwell Creek Contract No. TBD Participation Amount $ Date: 10/8/2021

For Combined Rate	Fringe Benefit % + General &Administrative %	=	163.90%	Combined ICR%
	OR			
For Home Office Rate	Fringe Benefit % + General &Administrative %	=		Home Office %
For Field Office Rate	Fringe Benefit % + General &Administrative %	=		Field Office %
	Fee	=	10	%

BILLING INFORMATION / CALCULATION INFORMATION

Name/Job Title/Classification[1]	Hourly Billing Rates[2] Straight	OT(1.5x)	OT(2x)	Effective date of hourly rate From	To	Actual or Avg. hourly rate[4]	% or $ increase	Hourly range - for classifications only
Mark Reno - Project Manager* Principal Engineer	$287.39	N/A	N/A	7/1/2021	12/31/2021	$99.00		
	$297.45	N/A	N/A	1/1/2022	12/31/2022	$102.47	3.50%	
	$307.86	N/A	N/A	1/1/2023	12/31/2023	$106.05	3.50%	N/A
	$320.17	N/A	N/A	1/1/2024	12/31/2024	$110.29	4.00%	
	$332.98	N/A	N/A	1/1/2025	12/31/2025	$114.71	4.00%	
Robert Ferguson - Project Engineer* Project Manager/Senior Engineer	$203.20	N/A	N/A	7/1/2021	12/31/2021	$70.00		
	$210.32	N/A	N/A	1/1/2022	12/31/2022	$72.45	3.50%	
	$217.68	N/A	N/A	1/1/2023	12/31/2023	$74.99	3.50%	N/A
	$226.38	N/A	N/A	1/1/2024	12/31/2024	$77.99	4.00%	
	$235.44	N/A	N/A	1/1/2025	12/31/2025	$81.10	4.00%	
Scott McCauley - Project Engineer* Project Manager/Senior Engineer	$214.81	N/A	N/A	7/1/2021	12/31/2021	$74.00		
	$222.33	N/A	N/A	1/1/2022	12/31/2022	$76.59	3.50%	
	$230.11	N/A	N/A	1/1/2023	12/31/2023	$79.27	3.50%	N/A
	$239.32	N/A	N/A	1/1/2024	12/31/2024	$82.44	4.00%	
	$248.89	N/A	N/A	1/1/2025	12/31/2025	$85.74	4.00%	
Matthew Vaggione - Project Engineer Senior Engineer	$195.39	N/A	N/A	7/1/2021	12/31/2021	$67.31		
	$203.21	N/A	N/A	1/1/2022	12/31/2022	$70.00	4.00%	
	$211.34	N/A	N/A	1/1/2023	12/31/2023	$72.80	4.00%	N/A
				1/1/2024	12/31/2024			
	$219.79	N/A	N/A	1/1/2025	12/31/2025	$75.71	4.00%	
Greg Young - Project Engineer Senior Engineer	$243.84	N/A	N/A	7/1/2021	12/31/2021	$84.00		
	$252.38	N/A	N/A	1/1/2022	12/31/2022	$86.94	3.50%	
	$261.21	N/A	N/A	1/1/2023	12/31/2023	$89.98	3.50%	N/A
	$271.66	N/A	N/A	1/1/2024	12/31/2024	$93.58	4.00%	
	$282.53	N/A	N/A	1/1/2025	12/31/2025	$97.33	4.00%	
Bryan Stone - Project Engineer Senior Engineer	$179.98	N/A	N/A	7/1/2021	12/31/2021	$62.00		
	$186.28	N/A	N/A	1/1/2022	12/31/2022	$64.17	3.50%	
	$192.80	N/A	N/A	1/1/2023	12/31/2023	$66.42	3.50%	N/A
	$200.51	N/A	N/A	1/1/2024	12/31/2024	$69.07	4.00%	
	$208.53	N/A	N/A	1/1/2025	12/31/2025	$71.84	4.00%	
Kelly Gallagher - Specifications Senior Engineer	$237.25	N/A	N/A	7/1/2021	12/31/2021	$81.73		
	$245.56	N/A	N/A	1/1/2022	12/31/2022	$84.59	3.50%	
	$254.15	N/A	N/A	1/1/2023	12/31/2023	$87.55	3.50%	N/A
	$264.32	N/A	N/A	1/1/2024	12/31/2024	$91.05	4.00%	
	$274.89	N/A	N/A	1/1/2025	12/31/2025	$94.70	4.00%	
Brent Lemon - Project Manager* Principal Engineer	$290.29	N/A	N/A	7/1/2021	12/31/2021	$100.00		
	$300.45	N/A	N/A	1/1/2022	12/31/2022	$103.50	3.50%	
	$310.97	N/A	N/A	1/1/2023	12/31/2023	$107.12	3.50%	N/A
	$323.40	N/A	N/A	1/1/2024	12/31/2024	$111.41	4.00%	
	$336.34	N/A	N/A	1/1/2025	12/31/2025	$115.86	4.00%	
Dace Morgan - Project Engineer Senior Engineer	$218.50	N/A	N/A	7/1/2021	12/31/2021	$75.27		
	$226.15	N/A	N/A	1/1/2022	12/31/2022	$77.90	3.50%	
	$234.06	N/A	N/A	1/1/2023	12/31/2023	$80.63	3.50%	N/A
	$243.43	N/A	N/A	1/1/2024	12/31/2024	$83.86	4.00%	
	$253.16	N/A	N/A	1/1/2025	12/31/2025	$87.21	4.00%	

Attachment: Quincy 5th amd #39 (RES-2022-22 : Approve a Fifth Amendment with Quincy Eng for Dogtown Bridge #39)

BILLING INFORMATION | CALCULATION INFORMATION

Name/Job Title/Classification[1]	Hourly Billing Rates[2]			Effective date of hourly rate		Actual or Avg. hourly rate[4]	% or $ increase	Hourly range - for classifications only
	Straight	OT(1.5x)	OT(2x)	From	To			
N. Leland Mason - Constructability Review/Specifications Senior Engineer	$232.23	N/A	N/A	7/1/2021	12/31/2021	$80.00		
	$240.36	N/A	N/A	1/1/2022	12/31/2022	$82.80	3.50%	
	$248.77	N/A	N/A	1/1/2023	12/31/2023	$85.70	3.50%	N/A
	$258.72	N/A	N/A	1/1/2024	12/31/2024	$89.13	4.00%	
	$269.07	N/A	N/A	1/1/2025	12/31/2025	$92.69	4.00%	
Ramon Montes de Oca - Constructability Review Senior Engineer	$209.01	N/A	N/A	7/1/2021	12/31/2021	$72.00		
	$216.32	N/A	N/A	1/1/2022	12/31/2022	$74.52	3.50%	
	$223.90	N/A	N/A	1/1/2023	12/31/2023	$77.13	3.50%	N/A
	$232.85	N/A	N/A	1/1/2024	12/31/2024	$80.21	4.00%	
	$242.17	N/A	N/A	1/1/2025	12/31/2025	$83.42	4.00%	
Paul Sipple - Constructability Review Senior Engineer	$235.13	N/A	N/A	7/1/2021	12/31/2021	$81.00		
	$243.36	N/A	N/A	1/1/2022	12/31/2022	$83.84	3.50%	
	$251.88	N/A	N/A	1/1/2023	12/31/2023	$86.77	3.50%	N/A
	$261.96	N/A	N/A	1/1/2024	12/31/2024	$90.24	4.00%	
	$272.44	N/A	N/A	1/1/2025	12/31/2025	$93.85	4.00%	
Mike Sanchez - Senior Engineer	$211.91	N/A	N/A	7/1/2021	12/31/2021	$73.00		
	$219.33	N/A	N/A	1/1/2022	12/31/2022	$75.56	3.50%	
	$227.01	N/A	N/A	1/1/2023	12/31/2023	$78.20	3.50%	N/A
	$236.09	N/A	N/A	1/1/2024	12/31/2024	$81.33	4.00%	
	$245.53	N/A	N/A	1/1/2025	12/31/2025	$84.58	4.00%	
Carolyn Davis - Senior Project Manager/Project Engineer	$261.26	N/A	N/A	7/1/2021	12/31/2021	$90.00		
	$270.41	N/A	N/A	1/1/2022	12/31/2022	$93.15	3.50%	
	$279.87	N/A	N/A	1/1/2023	12/31/2023	$96.41	3.50%	N/A
	$291.06	N/A	N/A	1/1/2024	12/31/2024	$100.27	4.00%	
	$302.71	N/A	N/A	1/1/2025	12/31/2025	$104.28	4.00%	
Juan Cruz - Associate Engineer	$170.26	N/A	N/A	7/1/2021	12/31/2021	$58.65		
	$176.21	N/A	N/A	1/1/2022	12/31/2022	$60.70	3.50%	
	$182.38	N/A	N/A	1/1/2023	12/31/2023	$62.83	3.50%	N/A
	$189.68	N/A	N/A	1/1/2024	12/31/2024	$65.34	4.00%	
	$197.26	N/A	N/A	1/1/2025	12/31/2025	$67.95	4.00%	
Krassimir Panayotov - Associate Engineer	$179.11	N/A	N/A	7/1/2021	12/31/2021	$61.70		
	$185.38	N/A	N/A	1/1/2022	12/31/2022	$63.86	3.50%	
	$191.87	N/A	N/A	1/1/2023	12/31/2023	$66.09	3.50%	N/A
	$199.54	N/A	N/A	1/1/2024	12/31/2024	$68.74	4.00%	
	$207.52	N/A	N/A	1/1/2025	12/31/2025	$71.49	4.00%	
Andrew Mitchell - Associate Engineer Specifications*	$184.91	N/A	N/A	7/1/2021	12/31/2021	$63.70		
	$191.39	N/A	N/A	1/1/2022	12/31/2022	$65.93	3.50%	
	$198.09	N/A	N/A	1/1/2023	12/31/2023	$68.24	3.50%	N/A
	$206.01	N/A	N/A	1/1/2024	12/31/2024	$70.97	4.00%	
	$214.25	N/A	N/A	1/1/2025	12/31/2025	$73.81	4.00%	
Carl Hughes - Associate Engineer	$138.90	N/A	N/A	7/1/2021	12/31/2021	$47.85		
	$143.77	N/A	N/A	1/1/2022	12/31/2022	$49.52	3.50%	
	$148.80	N/A	N/A	1/1/2023	12/31/2023	$51.26	3.50%	N/A
	$154.75	N/A	N/A	1/1/2024	12/31/2024	$53.31	4.00%	
	$160.94	N/A	N/A	1/1/2025	12/31/2025	$55.44	4.00%	
Seth Irish - Surveying** / Right-of-Way Engineering*	$232.23	N/A	N/A	7/1/2021	12/31/2021	$80.00		
	$240.36	N/A	N/A	1/1/2022	12/31/2022	$82.80	3.50%	
	$248.77	N/A	N/A	1/1/2023	12/31/2023	$85.70	3.50%	N/A
	$258.72	N/A	N/A	1/1/2024	12/31/2024	$89.13	4.00%	
	$269.07	N/A	N/A	1/1/2025	12/31/2025	$92.69	4.00%	
Alfonso Dabu - Survey Tech	$133.24	$199.86	$266.49	7/1/2021	12/31/2021	$45.90		
	$137.91	$206.86	$275.81	1/1/2022	12/31/2022	$47.51	3.50%	
	$142.73	$214.10	$285.47	1/1/2023	12/31/2023	$49.17	3.50%	N/A
	$148.44	$222.66	$296.89	1/1/2024	12/31/2024	$51.14	4.00%	
	$154.38	$231.57	$308.76	1/1/2025	12/31/2025	$53.18	4.00%	

(Add pages as necessary)

Attachment: Quincy 5th amd #39 (RES-2022-22 : Approve a Fifth Amendment with Quincy Eng for Dogtown Bridge #39)

BILLING INFORMATION | CALCULATION INFORMATION

Name/Job Title/Classification[1]	Hourly Billing Rates[2]			Effective date of hourly rate		Actual or Avg. hourly rate[4]	% or $ increase	Hourly range - for classifications only
	Straight	OT(1.5x)	OT(2x)	From	To			
Kevin Williams - Assistant Engineer I	$107.41	$161.11	$214.81	7/1/2021	12/31/2021	$37.00		
	$111.17	$166.75	$222.33	1/1/2022	12/31/2022	$38.30	3.50%	
	$115.06	$172.59	$230.11	1/1/2023	12/31/2023	$39.64	3.50%	N/A
	$119.66	$179.49	$239.32	1/1/2024	12/31/2024	$41.22	4.00%	
	$124.45	$186.67	$248.89	1/1/2025	12/31/2025	$42.87	4.00%	
Kevin Beltran - Assistant Engineer I	$92.89	$139.34	$185.79	7/1/2021	12/31/2021	$32.00		
	$96.14	$144.22	$192.29	1/1/2022	12/31/2022	$33.12	3.50%	
	$99.51	$149.26	$199.02	1/1/2023	12/31/2023	$34.28	3.50%	N/A
	$103.49	$155.23	$206.98	1/1/2024	12/31/2024	$35.65	4.00%	
	$107.63	$161.44	$215.26	1/1/2025	12/31/2025	$37.08	4.00%	
Mason Dambacher - Intern	$55.16	$82.73	$110.31	7/1/2021	12/31/2021	$19.00		
	$57.09	$85.63	$114.17	1/1/2022	12/31/2022	$19.67	3.50%	
	$59.08	$88.63	$118.17	1/1/2023	12/31/2023	$20.35	3.50%	N/A
	$61.45	$92.17	$122.89	1/1/2024	12/31/2024	$21.17	4.00%	
	$63.90	$95.86	$127.81	1/1/2025	12/31/2025	$22.01	4.00%	
Brent Harison - Assistant Engineer I	$107.41	$161.11	$214.81	7/1/2021	12/31/2021	$37.00		
	$111.17	$166.75	$222.33	1/1/2022	12/31/2022	$38.30	3.50%	
	$115.06	$172.59	$230.11	1/1/2023	12/31/2023	$39.64	3.50%	N/A
	$119.66	$179.49	$239.32	1/1/2024	12/31/2024	$41.22	4.00%	
	$124.45	$186.67	$248.89	1/1/2025	12/31/2025	$42.87	4.00%	
Ashley Hansen - Assistant Engineer I	$103.60	$155.41	$207.21	7/1/2021	12/31/2021	$35.69		
	$107.23	$160.85	$214.46	1/1/2022	12/31/2022	$36.94	3.50%	
	$110.98	$166.48	$221.97	1/1/2023	12/31/2023	$38.23	3.50%	N/A
	$115.42	$173.13	$230.85	1/1/2024	12/31/2024	$39.76	4.00%	
	$120.04	$180.06	$240.08	1/1/2025	12/31/2025	$41.35	4.00%	
Inessa Toropov - Assistant Engineer I	$97.60	$146.39	$195.19	7/1/2021	12/31/2021	$33.62		
	$101.01	$151.52	$202.02	1/1/2022	12/31/2022	$34.80	3.50%	
	$104.55	$156.82	$209.09	1/1/2023	12/31/2023	$36.01	3.50%	N/A
	$108.73	$163.09	$217.46	1/1/2024	12/31/2024	$37.46	4.00%	
	$113.08	$169.62	$226.16	1/1/2025	12/31/2025	$38.95	4.00%	
Craig Polglase- Senior Engineering Tech	$181.81	N/A	N/A	7/1/2021	12/31/2021	$62.63		
	$188.17	N/A	N/A	1/1/2022	12/31/2022	$64.82	3.50%	
	$194.76	N/A	N/A	1/1/2023	12/31/2023	$67.09	3.50%	N/A
	$202.55	N/A	N/A	1/1/2024	12/31/2024	$69.77	4.00%	
	$210.65	N/A	N/A	1/1/2025	12/31/2025	$72.57	4.00%	
Bob Maechler - CAD Manager	$152.78	N/A	N/A	7/1/2021	12/31/2021	$52.63		
	$158.13	N/A	N/A	1/1/2022	12/31/2022	$54.47	3.50%	
	$163.66	N/A	N/A	1/1/2023	12/31/2023	$56.38	3.50%	N/A
	$170.21	N/A	N/A	1/1/2024	12/31/2024	$58.63	4.00%	
	$177.02	N/A	N/A	1/1/2025	12/31/2025	$60.98	4.00%	
Patrick Kenney - CAD Tech	$105.06	$157.58	$210.11	7/1/2021	12/31/2021	$36.19		
	$108.73	$163.10	$217.47	1/1/2022	12/31/2022	$37.46	3.50%	
	$112.54	$168.81	$225.08	1/1/2023	12/31/2023	$38.77	3.50%	N/A
	$117.04	$175.56	$234.08	1/1/2024	12/31/2024	$40.32	4.00%	
	$121.72	$182.58	$243.44	1/1/2025	12/31/2025	$41.93	4.00%	
Desiree Acol - Project Manager Assistant	$140.36	$210.53	$280.71	7/1/2021	12/31/2021	$48.35		
	$145.27	$217.90	$290.54	1/1/2022	12/31/2022	$50.04	3.50%	
	$150.35	$225.53	$300.70	1/1/2023	12/31/2023	$51.79	3.50%	N/A
	$156.37	$234.55	$312.73	1/1/2024	12/31/2024	$53.87	4.00%	
	$162.62	$243.93	$325.24	1/1/2025	12/31/2025	$56.02	4.00%	
Phyllis Jordan - Admin Assistant	$119.02	$178.53	$238.04	7/1/2021	12/31/2021	$41.00		
	$123.18	$184.78	$246.37	1/1/2022	12/31/2022	$42.44	3.50%	
	$127.50	$191.24	$254.99	1/1/2023	12/31/2023	$43.92	3.50%	N/A
	$132.60	$198.89	$265.19	1/1/2024	12/31/2024	$45.68	4.00%	
	$137.90	$206.85	$275.80	1/1/2025	12/31/2025	$47.50	4.00%	

(Add pages as necessary)

Attachment: Quincy 5th amd #39 (RES-2022-22 : Approve a Fifth Amendment with Quincy Eng for Dogtown Bridge #39)

BILLING INFORMATION | CALCULATION INFORMATION

Name/Job Title/Classification[1]	Hourly Billing Rates[2]			Effective date of hourly rate		Actual or Avg. hourly rate[4]	% or $ increase	Hourly range - for classifications only
	Straight	OT(1.5x)	OT(2x)	From	To			
Principal Engineer / Principal-in-Charge	$263.87	N/A	N/A	7/1/2021	12/31/2021	$90.90		$70 - $120
	$273.11	N/A	N/A	1/1/2022	12/31/2022	$94.08	3.50%	$72 - $124
	$282.67	N/A	N/A	1/1/2023	12/31/2023	$97.37	3.50%	$75 $129
	$293.97	N/A	N/A	1/1/2024	12/31/2024	$101.27	4.00%	$78 - $134
	$305.73	N/A	N/A	1/1/2025	12/31/2025	$105.32	4.00%	$81 - $139
Associate Principal Engineer	$252.55	N/A	N/A	7/1/2021	12/31/2021	$87.00		$70 - $110
	$261.39	N/A	N/A	1/1/2022	12/31/2022	$90.05	3.50%	$72 - $114
	$270.54	N/A	N/A	1/1/2023	12/31/2023	$93.20	3.50%	$75 $118
	$281.36	N/A	N/A	1/1/2024	12/31/2024	$96.92	4.00%	$78 - $123
	$292.62	N/A	N/A	1/1/2025	12/31/2025	$100.80	4.00%	$81 - $127
Senior Engineer	$197.40	N/A	N/A	7/1/2021	12/31/2021	$68.00		$50 - $100
	$204.31	N/A	N/A	1/1/2022	12/31/2022	$70.38	3.50%	$52 - $104
	$211.46	N/A	N/A	1/1/2023	12/31/2023	$72.84	3.50%	$54 $107
	$219.92	N/A	N/A	1/1/2024	12/31/2024	$75.76	4.00%	$56 - $111
	$228.71	N/A	N/A	1/1/2025	12/31/2025	$78.79	4.00%	$58 - $116
Associate Engineer	$159.66	N/A	N/A	7/1/2021	12/31/2021	$55.00		$35 - $70
	$165.25	N/A	N/A	1/1/2022	12/31/2022	$56.93	3.50%	$36 - $72
	$171.03	N/A	N/A	1/1/2023	12/31/2023	$58.92	3.50%	$37 $75
	$177.87	N/A	N/A	1/1/2024	12/31/2024	$61.27	4.00%	$39 - $78
	$184.99	N/A	N/A	1/1/2025	12/31/2025	$63.73	4.00%	$41 - $81
Assistant Engineer I	$116.12	$174.17	$232.23	7/1/2021	12/31/2021	$40.00		$26 - $46
	$120.18	$180.27	$240.36	1/1/2022	12/31/2022	$41.40	3.50%	$27 - $48
	$124.39	$186.58	$248.77	1/1/2023	12/31/2023	$42.85	3.50%	$28 $49
	$129.36	$194.04	$258.72	1/1/2024	12/31/2024	$44.56	4.00%	$29 - $51
	$134.54	$201.80	$269.07	1/1/2025	12/31/2025	$46.35	4.00%	$30 - $53
Assistant Engineer II	$156.76	$235.13	$313.51	7/1/2021	12/31/2021	$54.00		$34 - $62
	$162.24	$243.36	$324.49	1/1/2022	12/31/2022	$55.89	3.50%	$35 - $64
	$167.92	$251.88	$335.84	1/1/2023	12/31/2023	$57.85	3.50%	$36 $66
	$174.64	$261.96	$349.28	1/1/2024	12/31/2024	$60.16	4.00%	$38 - $69
	$181.62	$272.44	$363.25	1/1/2025	12/31/2025	$62.57	4.00%	$39 - $72
Engineering Tech / Assistant	$101.60	$152.40	$203.20	7/1/2021	12/31/2021	$35.00		$25 - $45
	$105.16	$157.74	$210.32	1/1/2022	12/31/2022	$36.23	3.50%	$26 - $47
	$108.84	$163.26	$217.68	1/1/2023	12/31/2023	$37.49	3.50%	$27 $48
	$113.19	$169.79	$226.38	1/1/2024	12/31/2024	$38.99	4.00%	$28 - $50
	$117.72	$176.58	$235.44	1/1/2025	12/31/2025	$40.55	4.00%	$29 - $52
CAD Manager	$145.15	N/A	N/A	7/1/2021	12/31/2021	$50.00		$34 - $56
	$150.23	N/A	N/A	1/1/2022	12/31/2022	$51.75	3.50%	$35 - $58
	$155.48	N/A	N/A	1/1/2023	12/31/2023	$53.56	3.50%	$36 $60
	$161.70	N/A	N/A	1/1/2024	12/31/2024	$55.70	4.00%	$38 - $62
	$168.17	N/A	N/A	1/1/2025	12/31/2025	$57.93	4.00%	$39 - $65

(Add pages as necessary)

Attachment: Quincy 5th amd #39 (RES-2022-22 : Approve a Fifth Amendment with Quincy Eng for Dogtown Bridge #39)

BILLING INFORMATION | CALCULATION INFORMATION

Name/Job Title/Classification[1]	Hourly Billing Rates[2]			Effective date of hourly rate		Actual **or** Avg. hourly rate[4]	% or $ increase	Hourly range - for classifications only
	Straight	OT(1.5x)	OT(2x)	From	To			
CAD Tech	$101.60	$152.40	$203.20			$35.00		$25 - $40
	$105.16	$157.74	$210.32			$36.23	3.50%	$26 - $41
	$108.84	$163.26	$217.68			$37.49	3.50%	$27 $43
	$113.19	$169.79	$226.38	1/1/2021	12/31/2021	$38.99	4.00%	$28 - $45
	$117.72	$176.58	$235.44	1/1/2022	12/31/2022	$40.55	4.00%	$29 - $46
	$122.43	$183.64	$244.86	1/1/2023	12/31/2023	$42.17	4.00%	$30 - $48
	$127.33	$190.99	$254.65	1/1/2024	12/31/2024	$43.86	4.00%	$31 - $50
Senior Engineering Tech	$159.66	N/A	N/A			$55.00		$33 - $65
	$165.25	N/A	N/A			$56.93	3.50%	$34 - $67
	$171.03	N/A	N/A			$58.92	3.50%	$35 $70
	$177.87	N/A	N/A	1/1/2021	12/31/2021	$61.27	4.00%	$37 - $72
	$184.99	N/A	N/A	1/1/2022	12/31/2022	$63.73	4.00%	$38 - $75
	$192.39	N/A	N/A	1/1/2023	12/31/2023	$66.27	4.00%	$40 - $78
	$200.08	N/A	N/A	1/1/2024	12/31/2024	$68.92	4.00%	$41 - $81
Student Assistant / Intern	$58.06	$87.09	$116.12			$20.00		$16 - $25
	$60.09	$90.14	$120.18			$20.70	3.50%	$17 - $26
	$62.19	$93.29	$124.39			$21.42	3.50%	$17 $27
	$64.68	$97.02	$129.36	1/1/2021	12/31/2021	$22.28	4.00%	$18 - $28
	$67.27	$100.90	$134.54	1/1/2022	12/31/2022	$23.17	4.00%	$19 - $29
	$69.96	$104.94	$139.92	1/1/2023	12/31/2023	$24.10	4.00%	$19 - $30
	$72.76	$109.14	$145.51	1/1/2024	12/31/2024	$25.06	4.00%	$20 - $31
Administrative Assistant / Support Staff	$119.02	$178.53	$238.04			$41.00		$15 - $52
	$123.18	$184.78	$246.37			$42.44	3.50%	$16 - $54
	$127.50	$191.24	$254.99			$43.92	3.50%	$16 $56
	$132.60	$198.89	$265.19	1/1/2021	12/31/2021	$45.68	4.00%	$17 - $58
	$137.90	$206.85	$275.80	1/1/2022	12/31/2022	$47.50	4.00%	$17 - $60
	$143.42	$215.12	$286.83	1/1/2023	12/31/2023	$49.40	4.00%	$18 - $63
	$149.15	$223.73	$298.30	1/1/2024	12/31/2024	$51.38	4.00%	$19 - $65
Associate Surveyor / Project Surveyor**	$130.63	N/A	N/A			$45.00		$37 - $67
	$135.20	N/A	N/A			$46.58	3.50%	$38 - $69
	$139.93	N/A	N/A			$48.21	3.50%	$40 $72
	$145.53	N/A	N/A	1/1/2021	12/31/2021	$50.13	4.00%	$41 - $75
	$151.35	N/A	N/A	1/1/2022	12/31/2022	$52.14	4.00%	$43 - $78
	$157.41	N/A	N/A	1/1/2023	12/31/2023	$54.22	4.00%	$45 - $81
	$163.70	N/A	N/A	1/1/2024	12/31/2024	$56.39	4.00%	$46 - $84
Survey Technician**	$116.12	$174.17	$232.23			$40.00		$29 - $50
	$120.18	$180.27	$240.36			$41.40	3.50%	$30 - $52
	$124.39	$186.58	$248.77			$42.85	3.50%	$31 $54
	$129.36	$194.04	$258.72	1/1/2021	12/31/2021	$44.56	4.00%	$32 - $56
	$134.54	$201.80	$269.07	1/1/2022	12/31/2022	$46.35	4.00%	$34 - $58
	$139.92	$209.88	$279.84	1/1/2023	12/31/2023	$48.20	4.00%	$35 - $60
	$145.51	$218.27	$291.03	1/1/2024	12/31/2024	$50.13	4.00%	$36 - $63

NOTES:

1. Key personnel must be marked with an asterisk (*) and employees that are subject to prevailing wage requirements must be marked with two asterisks (**). All costs must comply with the Federal cost principles. Subconsultants will provide their own cost proposals.
2. The cost proposal format shall not be amended.
3. Billing rate =- actual hourly rate * (1 + ICR) * (1 + Fee). Indirect cost rates shall be updated on an annual basis in accordance with the consultant's annual accounting period and established by a cognizant agency or accepted by Caltrans. All costs must comply with the Federal cost principles for reimbursement
4. For named employees and key personnel enter the actual hourly rate. For classifications only, enter the Average Hourly Rate for that classification.

Attachment: Quincy 5th amd #39 (RES-2022-22 : Approve a Fifth Amendment with Quincy Eng for Dogtown Bridge #39)

EXHIBIT 10-H2 COST PROPOSAL Page 6 of 6

SPECIFIC RATE OF COMPENSATION (USE FOR ON-CALL OR AS-NEEDED CONTRACTS)
(CONSTRUCTION ENGINEERING AND INSPECTION CONTRACTS)

Consultant: Quincy Engineering, Inc. ■ Prime Consultant ☐ Subconsultant
Client: Mariposa County
Project: Dogtown Road Bridge (40C0039) over Maxwell Creek Contract No. Date: 10/8/2021

SCHEDULE OF OTHER DIRECT COST ITEMS (Add additional pages as necessary)				
Description of Item	**Quantity**	**Unit**	**Unit Cost**	**Total**
Mileage Costs	TBD	Miles	Current IRS Rate	$
Per Diem	TBD	Day	Current GSA Rate	
Overnight Mail Service	TBD	EA	Actual	$
Outside Vendor Printing & Reproduction	TBD	EA	Actual	$
Tolls & Parking	TBD	EA	Actual	$
Prevailing Wage Differential	TBD	EA	Actual	$
Subconsultant 1:				$
Subconsultant 2:				$
Subconsultant 3:				$
Subconsultant 4:				$
Subconsultant 5:				$

Note: Add additional pages if necessary

NOTES:

1. List other direct cost items with estimated costs. These costs should be competitive in their respective industries and supported with appropriate documentation.
2. Proposed ODC items should be consistently billed regardless of client and contract type.
3. Items when incurred for the same purpose, in like circumstance, should not be included in any indirect cost pool or in the overhead rate.
4. Items such as special tooling will be reimbursed at actual cost with supporting documentation (invoice).
5. Items listed above that would be considered "tools of the trade" are not reimbursable as other direct cost.
6. Travel related costs should be pre-approved by the contracting agency and shall not exceed current State Department of Person

Attachment: Quincy 5th amd #39 (RES-2022-22 : Approve a Fifth Amendment with Quincy Eng for Dogtown Bridge #39)

EXHIBIT 10-H2 COST PROPOSAL Form 3 of 3

Certification of Direct Costs:

I, the undersigned, certify to the best of my knowledge and belief that all direct costs identified on the cost proposal(s) in this contract are actual, reasonable, allowable, and allocable to the contract in accordance with the contract terms and the following requirements:

1. Generally Accepted Accounting Principles (GAAP)
2. Terms and conditions of the contract
3. Title 23 United States Code Section 112 - Letting of Contracts
4. 48 Code of Federal Regulations Part 31 - Contract Cost Principles and Procedures
5. 23 Code of Federal Regulations Part 172 - Procurement, Management, and Administration of Engineering and Design Related Service
6. 48 Code of Federal Regulations Part 9904 - Cost Accounting Standards Board (when applicable)

All costs must be applied consistently and fairly to all contracts. All documentation of compliance must be retained in the project files and be in compliance with applicable federal and state requirements. Costs that are noncompliant with the federal and state requirements are not eligible for reimbursement.
Local governments are responsible for applying only cognizant agency approved or Caltrans accepted Indirect Cost Rate(s).

Prime Consultant or Subconsultant Certifying:

Name: R. Brent Lemon Title*: Vice-President

Signature: R. Brent Lemon Date of Certification (mm/dd/yyyy): 10/18/2021

Email: brentl@quincyeng.com Phone Number: 916.368.9181

Address: 11017 Cobblerock Drive Suite 100 Rancho Cordova, 95670

*An individual executive or financial officer of the consultant's or subconsultant's organization at a level no lower than a Vice President or a Chief Financial Officer, or equivalent, who has authority to represent the financial information utilized to establish the cost proposal for the contract.

List services the consultant is providing under the proposed contract:

Project Management, Bridge Design, Roadway Design, Plan Sheet Development, Technical Report Writing, Special Provisions, Construction Material Quantities, Marginal Estimates, Environmental Document Support, Caltrans and other Funding Assistance, Constructability Reviews

Attachment: Quincy 5th amd #39 (RES-2022-22 : Approve a Fifth Amendment with Quincy Eng for Dogtown Bridge #39)

FORTH AMENDMENT TO AGREEMENT FOR ENGINEERING AND DESIGN SERVICES FOR DOGTOWN OVER MAXWELL CREEK BRIDGE 40C0039

THIS FORTH AMENDMENT TO AGREEMENT FOR ENGINEERING AND DESING SERVICES FOR DOGTOWN OVER MAXWELL CREEK BRIDGE #40C0039 is made and entered into this 11th day of Dec, 2018, by and between the County of Mariposa, a political subdivision of the State of California, hereinafter referred to as "**County,**" and Quincy Engineering, hereinafter referred to as "**Contractor.**"

WHEREAS, **County** and **Contractor** have heretofore entered into an Agreement dated October 15, 2013, wherein **Contractor** agreed to provide engineering and design services; and

WHEREAS, **County** and **Contractor** entered into a First Amendment dated January 6, 2015 to extend the term of the Agreement to December 31, 2015.

WHEREAS, **County** and **Contractor** entered into a Second Amendment dated March 8, 2016 to extend the term of the Agreement to December 31, 2017.

WHEREAS, **County** and **Contractor** entered into a Third Amendment dated February 28, 2017 to extend the term of the Agreement to December 31, 2018 and increase compensation by Three Hundred Sixty Four Thousand Dollars ($364,000) for a total not to exceed amount of Five Hundred Thirty Five Thousand Dollars ($535,000).

WHEREAS, **County** and **Contractor** desire extend the term of the Agreement to December 31, 2021 to **Contractor**;

NOW, THEREFORE, the parties hereto in consideration of the mutual covenants herein recited, hereby agree as follows:

1. Paragraph 1.01, "TERM", is hereby amended extend the term of the Agreement to December 31, 2021.

2. Except as herein amended, the agreement dated October 15, 2013 together with the First Amendment dated January 6, 2015, the Second Amendment dated March 8, 2016, and the Third Amendment dated February 28, 2017 shall remain in full force and effect.

Attachment: Quincy 4th amd #39 (RES-2022-22 : Approve a Fifth Amendment with Quincy Eng for Dogtown Bridge #39)

IN WITNESS WHEREOF, the parties have caused this Amendment to be executed on the date first above written.

COUNTY OF MARIPOSA:

Rosemarie Smallcombe, Chairman
Mariposa County Board of Supervisors

CONTRACTOR:

Quincy Engineering

ATTEST:

RENE LAROCHE
Clerk of the Board

APPROVED AS TO FORM:

STEVEN W. DAHLEM
County Counsel

Attachment: Quincy 4th amd #39 (RES-2022-22 : Approve a Fifth Amendment with Quincy Eng for Dogtown Bridge #39)

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 8/30/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
Dealey, Renton & Associates
DRA License 0020739
P. O. Box 12675
Oakland CA 94604-2675

CONTACT NAME: Nancy Ferrick
PHONE (A/C, No, Ext): 510-465-3090 FAX (A/C, No): 510-452-2193
E-MAIL ADDRESS: nferrick@dealeyrenton.com

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : Hartford Casualty Insurance Co.	29424
INSURER B : Hartford Accident & Indemnity	22357
INSURER C : XL Specialty Insurance Co.	37885
INSURER D : Twin City Fire Ins. Co.	29459
INSURER E :	
INSURER F :	

INSURED QUINCENGI
Quincy Engineering, Inc.
11017 Cobblerock Drive, Suite 100
Rancho Cordova CA 95670

COVERAGES **CERTIFICATE NUMBER:** 489895498 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X COMMERCIAL GENERAL LIABILITY CLAIMS-MADE [X] OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: POLICY [X] PRO-JECT [ ] LOC OTHER:	Y	Y	57SBWRI1816	9/1/2018	9/1/2019	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG $	$ 1,000,000 $ 1,000,000 $ 10,000 $ 1,000,000 $ 2,000,000 $ 2,000,000 $
B	AUTOMOBILE LIABILITY X ANY AUTO OWNED AUTOS ONLY / SCHEDULED AUTOS X HIRED AUTOS ONLY / X NON-OWNED AUTOS ONLY	Y	Y	57UEGZC8251	9/1/2018	9/1/2019	COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident) $	$ 1,000,000 $ $ $ $
A	X UMBRELLA LIAB X OCCUR EXCESS LIAB CLAIMS-MADE DED RETENTION $	Y	Y	57SBWRI1816	9/1/2018	9/1/2019	EACH OCCURRENCE AGGREGATE $	$ 5,000,000 $ 5,000,000 $
D	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY Y/N ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? N (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	N/A	Y	57WEGGF5050	9/1/2018	9/1/2019	X PER STATUTE / OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	 $ 1,000,000 $ 1,000,000 $ 1,000,000
C	Professional Liability			DPR9924799	5/20/2018	5/20/2019	$3,000,000 per Claim $3,000,000 Annl Aggr.	

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
RE: Job No. M19-200 / Maxwell Creek Bridge on Dogtown Road (Br. No. 40C0039). GENERAL LIABILITY/AUTOMOBILE LIABILITY ADDITIONAL INSURED: County of Mariposa, its officers, employees, volunteers and agents and any other person named in the written contract between the Named Insured and the Certificate Holder. The coverage afforded is pursuant to Section C., Who Is An Insured, Sub-Section 6., Additional Insureds When Required By written Contract, Written Agreement Or Permit, Subsection f. Any Other Party of the Business Liability Coverage Form, Form No. SS 00 08.

CERTIFICATE HOLDER
County of Mariposa
Public Works Department
Attn: Darleen Peterson
4639 Ben Hur Road
Mariposa CA 95338

CANCELLATION 30 Days Notice of Cancellation

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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Attachment: Quincy 4th amd #39 (RES-2022-22 : Approve a Fifth Amendment with Quincy Eng for Dogtown Bridge #39)

POLICY NUMBER: 57SBWRI1816

BUSINESS LIABILITY COVERAGE
SS 00 08 04 05

ADDITIONAL COVERAGES BY WRITTEN CONTRACT, AGREEMENT OR PERMIT

This is a summary of the coverage provided under the following form (complete form available):

BUSINESS LIABILITY COVERAGE FORM SS 00 08 04 05

Additional Insured When Required by Written Contract, Written Agreement or Permit

WHO IS AN INSURED under Section **C.** is amended to include as an additional insured, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by your acts or omissions or the acts or omissions of those acting on your behalf:

(a) In the performance of your ongoing operations;
(b) In connection with your premises owned by or rented to you; or
(c) In connection with "your work" and included within the "products completed operations hazard", but only if
  (i) The written contract or written agreement requires you to provide such coverage to such additional insured; and
  (ii) This Coverage Part provides coverage for "bodily injury" or "property damage" included within the "products completed operations hazard".

The person(s) or organization(s) are additional insureds when you have agreed, in a written contract, written agreement or because of a permit issued by a state or political subdivision, that such person or organization be added as an additional insured on your policy, provided the injury or damage occurs subsequent to the execution of the contract or agreement, or the issuance of the permit.

A person or organization is an additional insured under the provision only for that period of time required by the contract, agreement or permit.

With respect to the insurance afforded to the additional insured, this insurance does not apply to: "Bodily injury", "property damage" or "personal and advertising injury" arising out of the rendering of, or failure to render, any professional architectural, engineering or surveying services, including:

(a) The preparing, approving, or failure to prepare or approve, maps, shop drawings, opinions, reports, surveys, field orders, change orders, designs or drawings and specification: or
(b) Supervisory, inspection, architectural or engineering activities.

The limits of insurance that apply to additional insureds are described in Section D. Limits Of Insurance.

How this insurance applies when other insurance is available to an additional insured is described in the Other Insurance Condition in Section E. Liability And Medical Expenses General Conditions.

No person or organization is an insured with respect to the conduct of any current or past partnership, joint venture or limited liability company that is not shown as a Named Insured in the Declarations.

Other Insurance

If other valid and collectible insurance is available for a loss we cover under this Coverage Part, our obligations are limited as follows:

When You Add Others As An Additional Insured To This Insurance: That is other insurance available to an additional insured. However, the following provisions apply to other insurance available to any person or organization who is an additional insured under this Coverage Part:

(a) Primary Insurance When Required By Contract: This insurance is primary if you have agreed in a written contract, written agreement or permit that this insurance be primary. If other insurance is also primary, we will share with all that other insurance by the method described in **c.** below.

(b) Primary And Non-Contributory To Other Insurance When Required By Contract: If you have agreed in a written contract, written agreement or permit that this insurance is primary and non-contributory with the additional insured's own insurance, this insurance is primary and we will not seek contribution from that other insurance.

Attachment: Quincy 4th amd #39 (RES-2022-22 : Approve a Fifth Amendment with Quincy Eng for Dogtown Bridge #39)

Paragraphs **(a)** and **(b)** do not apply to other insurance to which the additional insured has been added as an additional insured.

c. Method Of Sharing

If all the other insurance permits contribution by equal shares, we will follow this method also. Under this approach, each insurer contributes equal amounts until it has paid its applicable limit of insurance or none of the loss remains, whichever comes first.

If any of the other insurance does not permit contribution by equal shares, we will contribute by limits. Under this method, each insurer's share is based on the ratio of its applicable limit of insurance to the total applicable limits of insurance of all insurers.

Waiver of Subrogation

If you have waived any rights of recovery against any person or organization for all or part of any payment, including Supplementary Payments, we have made under this Coverage Part, we also waive that right, provided you waived your rights of recovery against such person or organization in a contract, agreement or permit that was executed prior to the injury or damage

Attachment: Quincy 4th amd #39 (RES-2022-22 : Approve a Fifth Amendment with Quincy Eng for Dogtown Bridge #39)

57UEGZC8251

EXCERPTS FROM CA 0001 (1013)
HARTFORD BUSINESS AUTO COVERAGE

Additional Insured: SECTION II – COVERED AUTO LIABILITY COVERAGE
A.1. WHO IS AN INSURED: The following are "insureds"
c. Anyone liable for the conduct of an "insured"…but only to the extent of that liability.

Primary Insurance: SECTION IV – BUSINESS AUTO CONDITIONS
B. General Conditions - 5. Other Insurance
a. For any covered "auto" you own, this Coverage Form provides primary insurance. For any covered "auto" you don't own, the insurance provide by this Coverage Form is excess over any other collectible insurance.
c. Regardless of the provisions of paragraph a. above, this Coverage Form's Covered Auto Liability Coverage is primary for any liability assumed under an "insured contract".

Cross Liability Clause: SECTION V – DEFINITIONS
G. "Insured" means any person or organization qualifying as an insured in the Who is An Insured provision of the applicable coverage. Except with respect to the Limit of Insurance, the coverage afforded applies separately to each insured who is seeking coverage or against whom a claim or "suit" is brought.

EXCERPTS FROM HA9916 (0312)
HARTFORD COMMERCIAL AUTOMOBILE BROAD FORM ENDORSEMENT

15. WAIVER OF SUBROGATION – We waive any right of recovery we may have against any person or organization with whom you have a written contract that requires such waiver because of payments we make for damages under this Coverage Form.

Attachment: Quincy 4th amd #39 (RES-2022-22 : Approve a Fifth Amendment with Quincy Eng for Dogtown Bridge #39)

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

WAIVER OF OUR RIGHT TO RECOVER FROM OTHERS ENDORSEMENT

Policy Number: 57 WEG GF5050 **Endorsement Number:**
Effective Date: 09/01/18 Effective hour is the same as stated on the Information Page of the policy.
Named Insured and Address: QUINCY ENGINEERING, INC.
11017 COBBLEROCK DR STE 100
RANCHO CORDOVA CA 95670

We have the right to recover our payments from anyone liable for an injury covered by this policy. We will not enforce our right against the person or organization named in the Schedule.

This agreement shall not operate directly or indirectly to benefit anyone not named in the Schedule.

SCHEDULE

Any person or organization from whom you are required by contract or agreement to obtain this waiver from us. Endorsement is not applicable in KY, NH, NJ or for any MO construction risk

Countersigned by _____
Authorized Representative

Form WC 00 03 13 Printed in U.S.A.
Process Date: 07/24/18

Policy Expiration Date: 09/01/19

Attachment: Quincy 4th amd #39 (RES-2022-22 : Approve a Fifth Amendment with Quincy Eng for Dogtown Bridge #39)

THIRD AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT

THIS THIRD AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT is made and entered into this 15th day of March 2017, by and between the County of Mariposa, a political subdivision of the State of California, hereinafter referred to as **"County"** and Quincy Engineering, hereinafter referred to as **"Contractor"**.

WHEREAS, **County** and **Contractor** have heretofore entered into an Agreement dated October 15, 2013, wherein Consultant agreed to provide bridge design services for Dogtown Road over Maxwell Creek Bridge (40C0039); and

WHEREAS, **County** and **Contractor** entered into the First Amendment dated January 6, 2015 to extend the term of the Agreement to December 31, 2015; and

WHEREAS, **County** and **Contractor** entered into the Second Amendment dated March 8, 2016 to extend the term of the Agreement to December 31, 2017; and

WHEREAS, **County** and **Contractor** desire to further amend said Agreement to extend the term of the agreement to December 31, 2018, to expand the scope of services to be performed by Contractor to increase compensation, and to incorporate an Addendum for federally funded projects.

NOW THEREFORE, the parties hereto in consideration of the mutual covenants herein recited, hereby agree as follows:

1. Paragraph 1.01 "Agreement Term" is hereby amended to extend the term of the Agreement to December 31, 2018.

2. Paragraph 4.01 "Compensation" is hereby amended to increase the compensation in the amount of Three Hundred Sixty Four Thousand Dollars ($364,000) as set forth in Exhibit "B" attached hereto, which result in a total compensation of Five Hundred Thirty Five Thousand Dollars ($535,000.).

3. Paragraph 3.01 "Scope of Services" is hereby amended to expand the scope of services to be performed by Contractor as set forth in Exhibit A-1 attached hereto.

4. Paragraph 8.05, "Conformance to Applicable Law" is hereby amended to include the Addendum to Professional Services Agreement for Federally Funded Projects attached hereto as Exhibit "C".

5. Except as herein amended, the Professional Services Agreement dated October 15, 2013, together with the First Amendment dated January 6, 2015 and the Second Amendment dated March 8, 2016 shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused this Amendment to be executed on the date first above written.

Attachment: Quincy Eng 3rd amd & addm (RES-2022-22 : Approve a Fifth Amendment with Quincy Eng for Dogtown Bridge #39)

COUNTY OF MARIPOSA:
Board of Supervisors

Marshall Long, Chair — 3/14/17 (date)

CONTRACTOR:
Quincy Engineering

Signature — 3/7/17 (date)

APPROVED AS TO FORM:

Steven W. Dahlem — 3-15-17 (date)
County Counsel

ATTEST:

Renee LaRoche — 3/14/17 (date)
Clerk of the Board

Attachment: Quincy Eng 3rd amd & addm (RES-2022-22 : Approve a Fifth Amendment with Quincy Eng for Dogtown Bridge #39)

EXHIBIT "A-1"

PROJECT SCOPE OF WORK

Previously **Quincy Engineering, Inc. (Quincy)** provided **Mariposa County (County)** with Preliminary Engineering for the replacement of the Maxwell Creek Bridge on Dogtown Road **(Bridge Number 40C0039)**. This first phase of work consisted of the following items:

- **Phase 1**
  - Project Management
  - Topographic Survey & Right of Way Mapping
  - Geotechnical
  - Hydraulics
  - Preliminary Engineering
  - Environmental (Surveys and Constraints Mapping)

To date the products delivered to the County in this first Phase of work are the 30% Roadway Plans, Type Selection Report and Environmental Constraints Mapping (both biological and cultural).

Quincy provides the following scope of work to augment the Phase 1 tasks as well as include the Phase 2 tasks. The following Scope of Work includes the following.

- **Phase 1 Augmentation**
  - Project Management
  - Environmental (Technical Studies)

- **Phase 2**
  - Public Outreach (Optional)
  - Plans, Specifications and Estimate
  - Appraisals and Acquisitions

Attached (Exhibit A) is the corresponding fee for the augmentation to the Phase 1 work as well as the fee for the Phase 2 work.

PHASE 1 AUGMENTATION

TASK 1 – PROJECT MANAGEMENT

Additional PDT meetings in person and Phone Conferences are proposed for this Scope of Work. **Quincy** will also provide quality control services throughout the duration of Phase 2.

TASK 6 – ENVIRONMENTAL

The environmental scope is based on the results of the Preliminary Environmental Study (PES) Form (approved by Caltrans on March 1, 2016) and the recommendations provided in the biological/cultural resource technical memorandums completed under Phase I. This phase of work includes more detailed field surveys, submittal of technical reports to Caltrans, preparation of the CEQA document, and environmental permitting support to the **County**. **Quincy** assumes that preparation of a Categorical Exclusion (CE) (with supporting technical studies) will be sufficient to address the requirements of NEPA, with preparation of the CE by Caltrans staff consistent with Federal Highway Administration NEPA delegation requirements. The scope of work assumes completion of the CE by Caltrans District 10 staff, with preparation of the supporting technical studies by **Quincy**/Area West

Attachment: Quincy Eng 3rd amd & addm (RES-2022-22 : Approve a Fifth Amendment with Quincy Eng for Dogtown Bridge #39)

Environmental. For the **County's** CEQA compliance, Quincy will prepare an Initial Study/Mitigated Negative Declaration (IS/MND).

PHASE 2

TASK 7 – PUBLIC OUTREACH (OPTIONAL)

Quincy and AIM will work with the County to develop and implement a public outreach plan which will identify the goals, approach, tasks, and schedule based upon the outreach objectives.

TASK 8 – PS&E

Quincy will design the structure and has assumed that the final bridge design will be a single span, cast-in-place, post-tensioned concrete, slab bridge approximately 62 feet long by 25 feet wide. Quincy has also assumed the bridge will be replaced in the same location utilizing a temporary detour and that the bridge will be supported by seat type abutments founded on spread footings. Should the preliminary engineering result in a different alternative, the assumed design hours may need to be adjusted.

The final approach roadway design will be completed in accordance with applicable **County** Standards, Caltrans "Highway Design Manual", AASHTO's "A Policy on Geometric Design of Highways and Streets" and ADA along with Caltrans "Standard Specifications and Standard Plans".

TASK 9 – APPRAISALS AND ACQUISITIONS

Bender Rosenthal Inc.'s (BRI) will work with the engineering team to highlight property owners' issues prior to the appraisal and acquisitions phase. BRI will develop complete appraisals that will state the estimated fair market value of the Fee or Permanent Easement interest plus any Temporary Construction Easements (TCE) for up to four (4) referenced real properties.

TASK 10 – BIDDING & POST-AWARD ASSISTANCE (OPTIONAL)

Quincy can provide bidding assistance and construction support services for the **County** on a time and materials basis (we have assumed 104 hours):

PROJECT ASSUMPTIONS

- The **County** will be responsible for printing and distributing bid documents.
- The County will be responsible for Construction Management.

COST PROPOSAL (SUMMARY)

A.	Quincy Engineering	-	$	203,362.71
			$	23,829.51 (+)
B.	Sub Consultants	-	$	97,612.32
			$	36,589.50 (+)
C.	Other Direct Costs	-	$	1,267.00
			$	380.00 (+)
			$	363,041.04
	(Not to exceed	-	$	*364,000.00)*

Attachment: Quincy Eng 3rd amd & addm (RES-2022-22 : Approve a Fifth Amendment with Quincy Eng for Dogtown Bridge #39)

Cost Proposal

EXHIBIT "B"

Mariposa County - Maxwell Creek Bridge on Dogtown Road Bridge Replacement (Br. No. 40C0039)

Date: 7/9/2016

Quincy Engineering, Inc.					
Direct Labor:					$66,477.33
Escalation for Multi-Year Project (3.5%):					$2,326.71
Overhead (1.64):					$112,769.81
A. Labor Subtotal					$181,573.85
Subconsultant Costs:					
Kleinfelder					$0.00
WRECO					$0.00
AIM					$0.00
Area West					$62,461.90
Bender Rosenthal					$35,150.42
JRP					$0.00
B. Subconsultant Subtotal					$97,612.32
Other Direct Costs:					
Plotter/Computer		hours @	$10.00		$0.00
Travel	1050	miles @	$0.540		$567.00
Pier Diem/ Hotel	2	days @	$150.00		$300.00
Phone/Fax					$0.00
Delivery	4	@	$25.00		$100.00
Survey Prevailing Wage Differential					$0.00
Vellum / Mylars	0	sheets @	$25.00		$0.00
Title Reports	0	@	$500.00		$0.00
11 X 17 Reproduction	3000	@	$0.10		$300.00
Mounting Boards for Presentations	0	@	$100.00		$0.00
Newsletters (Translation and printing)					
Mailings (6x)					
C. Other Direct Cost Subtotal:					$1,267.00
Labor Subtotal A. =					$181,573.85
Fee (12.0%):					$21,788.86
Subconsultant Subtotal B. =					$97,612.32
Fee (0.0%).					$0.00
Other Direct Cost Subtotal: C. =					$1,267.00
Fee (0.0%):					$0.00
TOTAL =					**$302,242.03**

Note: Invoices will be **based upon actual QEI hourly rates** plus overhead at 163.9% plus prorated portion of fixed fee. Subconsultant and Other Direct Costs will be billed at actual cost.

Total not to Exceed= **$303,000**

Attachment: Quincy Eng 3rd amd & addm (RES-2022-22 : Approve a Fifth Amendment with Quincy Eng for Dogtown Bridge #39)

Cost Proposal

OPTIONAL TASKS

Mariposa County - Maxwell Creek Bridge on Dogtown Road Bridge Replacement (Br. No. 40C0039)

Date: 7/9/2016

Quincy Engineering, Inc.

Direct Labor:				$7,789.64
Escalation for Multi-Year Project (3.5%):				$272.64
Overhead (1.64):				$13,214.07
A. Labor Subtotal				$21,276.35

Subconsultant Costs:

Kleinfelder	$0.00
WRECO	$0.00
AIM	$22,099.00
Area West	$0.00
Bender Rosenthal	$0.00
JRP	$14,490.50
B. Subconsultant Subtotal	$36,589.50

Other Direct Costs:

Plotter/Computer		hours @	$10.00	$0.00
Travel	375	miles @	$0.540	$202.50
Pier Diem/ Hotel	1	days @	$150.00	$150.00
Phone/Fax				$0.00
Delivery	1	@	$25.00	$25.00
Survey Prevailing Wage Differential				$0.00
Vellum / Mylars	0	sheets @	$25.00	$0.00
Title Reports	0	@	$500.00	$0.00
11 X 17 Reproduction	25	@	$0.10	$2.50
Mounting Boards for Presentations	0	@	$100.00	$0.00
Newsletters (Translation and printing)				
Mailings (6x)				
C. Other Direct Cost Subtotal:				$380.00

Labor Subtotal A. =	$21,276.35
Fee (12.0%):	$2,553.16
Subconsultant Subtotal B. =	$36,589.50
Fee (0.0%):	$0.00
Other Direct Cost Subtotal: C. =	$380.00
Fee (0.0%):	$0.00
TOTAL =	**$60,799.01**

Note: Invoices will be **based upon actual QEI hourly rates** plus overhead at 163.9% plus prorated portion of fixed fee. Subconsultant and Other Direct Costs will be billed at actual cost.

Total not to Exceed= **$61,000**

Total Including Optional Tasks= $364,000.00

Attachment: Quincy Eng 3rd amd & addm (RES-2022-22 : Approve a Fifth Amendment with Quincy Eng for Dogtown Bridge #39)

EXHIBIT "C"

MARIPOSA COUNTY
Addendum to Professional Services Agreement for
Federally Funded Projects (below $1,000,000)

Consultant: Quincy Engineering
Project: Dogtown Bridge 40C0039
****

In addition to, and notwithstanding, the requirements set forth in the Professional Services Agreement, CONSULTANT agrees to the following:

1. CONFIDENTIALITY OF DATA

A. All financial, statistical, personal, technical, or other data and information relative to the COUNTY's operations, which are designated confidential by the COUNTY and made available to the CONSULTANT in order to carry out this agreement, shall be protected by the CONSULTANT from unauthorized use and disclosure.

B. Permission to disclose information on one occasion, or public hearing held by the COUNTY relating to this agreement, shall not authorize the CONSULTANT to further disclose such information, or disseminate the same on any other occasion.

C. The CONSULTANT shall not comment publicly to the press or any other media regarding this agreement or the COUNTY's actions on the same, except to the COUNTY's staff, CONSULTANT's own personnel involved in the performance of this agreement, at public hearings or in response to questions from a Legislative committee.

D. The CONSULTANT shall not issue any news release or public relations item of any nature, whatsoever, regarding work performed or to be performed under this agreement without prior review of the contents thereof by the COUNTY, and receipt of the COUNTY's written permission.

E. Any subcontract entered into as a result of this agreement shall contain all of the provisions of this Article.

2. PERFORMANCE PERIOD

A. This agreement shall go into effect contingent upon approval by the COUNTY, and the CONSULTANT shall commence work after notification to proceed by the COUNTY. The agreement shall end on December 31, 2018 unless extended by agreement amendment.

B. The CONSULTANT is advised that any recommendation for agreement award is not binding on the COUNTY until the agreement is fully executed and approved by the COUNTY.

Attachment: Quincy Eng 3rd amd & addm (RES-2022-22 : Approve a Fifth Amendment with Quincy Eng for Dogtown Bridge #39)

3. CONFLICT OF INTEREST

A. The CONSULTANT shall disclose any financial, business, or other relationship with COUNTY that may have an impact upon the outcome of this agreement, or any ensuing COUNTY construction project. The CONSULTANT shall also list current clients who may have a financial interest in the outcome of this agreement, or any ensuing COUNTY construction project, which will follow.

B. The CONSULTANT hereby certifies that it does not now have, nor shall it acquire any financial or business interest that would conflict with the performance of services under this agreement.

C. Any subcontract in excess of $25,000 entered into as a result of this agreement, shall contain all of the provisions of this Article.

D. The CONSULTANT hereby certifies that neither CONSULTANT, nor any firm affiliated with the CONSULTANT will bid on any construction agreement, or on any agreement to provide construction inspection for any construction project resulting from this agreement. An affiliated firm is one which is subject to the control of the same persons through joint-ownership, or otherwise.

E. Except for sub-consultants whose services are limited to providing surveying or materials testing information, no sub-consultant who has provided design services in connection with this agreement shall be eligible to bid on any construction agreement, or on any agreement to provide construction inspection for any construction project resulting from this agreement.

4. COST PRINCIPLES AND ADMINISTRATIVE REQUIREMENTS

A. The CONSULTANT agrees that the Contract Cost Principles and Procedures, 48 CFR, Federal Acquisition Regulations System, Chapter 1, Part 31.000 et seq., shall be used to determine the allowable cost of individual items.

B. The CONSULTANT also agrees to comply with federal procedures in accordance with 49 CFR, Part 18, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.

C. Any costs for which payment has been made to CONSULTANT that are determined by subsequent audit to be unallowable under 48 CFR, Federal Acquisition Regulations System, Chapter 1, Part 31.000 et seq., are subject to repayment by CONSULTANT to the COUNTY.

D. All subcontracts in excess of $25,000 shall contain the above provisions.

Attachment: Quincy Eng 3rd amd & addm (RES-2022-22 : Approve a Fifth Amendment with Quincy Eng for Dogtown Bridge #39)

5. ALLOWABLE COSTS AND PAYMENTS

A. The method of payment for the following items shall be at the rate specified for each item, as described in this Article. The specified rate shall include full compensation to CONSULTANT for the item as described, including but not limited to, any repairs, maintenance, or insurance, and no further compensation will be allowed therefore.

B. The specified rate to be paid for vehicle expense for CONSULTANT's field personnel shall be as per the approved Cost Proposal.

C. The method of payment for this agreement, except those items to be paid for on a specified rate basis, will be based on cost per unit of work. The COUNTY will reimburse CONSULTANT for actual costs (including labor costs, employee benefits, travel, equipment-rental costs, overhead and other direct costs) incurred by CONSULTANT in performance of the work. CONSULTANT will not be reimbursed for actual costs that exceed the estimated wage rates, employee benefits, travel, equipment rental, overhead and other estimated costs set forth in the approved Cost Proposal, unless additional reimbursement is provided for, by agreement amendment. In no event will CONSULTANT be reimbursed for overhead costs at a rate that exceeds the COUNTY approved overhead rate set forth in the approved Cost Proposal. In the event the COUNTY determines that changed work from that specified in the approved Cost Proposal and agreement is required, the actual costs reimbursable by the COUNTY may be adjusted by agreement amendment to accommodate the changed work.

D. All subcontracts in excess of $25,000 shall contain the above provisions.

E. Use attached LAPM Exhibit 10-H for Cost Proposal Format.

6. DEBARMENT AND SUSPENSION CERTIFICATION

A. The CONSULTANT's signature affixed herein shall constitute a certification under penalty of perjury under the laws of the State of California that the CONSULTANT has complied with Title 49, Code of Federal Regulations, Part 29, Debarment and Suspension Certificate, which certifies that he/she/it or any person associated therewith in the capacity of owner, partner, director, officer, or manager, is not currently under suspension, debarment, voluntary exclusion, or determination of ineligibility by any federal agency; has not been suspended, debarred, voluntarily excluded, or determined ineligible by any federal agency within the past three (3) years; does not have a proposed debarment pending; and has not been indicted, convicted, or had a civil judgment rendered against it by a court of competent jurisdiction in any matter involving fraud or official misconduct within the past three (3) years. Any exceptions to this certification must be disclosed to the COUNTY.

B. Exceptions will not necessarily result in denial of recommendation for award, but will be considered in determining CONSULTANT responsibility. Disclosures must indicate to whom exceptions apply, initiating agency, and dates of action.

Attachment: Quincy Eng 3rd amd & addm (RES-2022-22 : Approve a Fifth Amendment with Quincy Eng for Dogtown Bridge #39)

7. EQUIPMENT PURCHASE

A. Prior authorization, in writing, by the COUNTY shall be required before the CONSULTANT enters into any unbudgeted purchase order, or subcontract exceeding $5,000 for supplies, equipment, or CONSULTANT services. The CONSULTANT shall provide an evaluation of the necessity or desirability of incurring such costs.

B. For purchase of any item, service or consulting work not covered in the CONSULTANT'S Cost Proposal and exceeding $5,000 prior authorization by the COUNTY three (3) competitive quotations must be submitted with the request, or the absence of bidding must be adequately justified.

C. Any equipment purchased as a result of this agreement is subject to the following: "The CONSULTANT shall maintain an inventory of all non-expendable property. Nonexpendable property is defined as having a useful life of at least two years and an acquisition cost of $5,000 or more. If the purchased equipment needs replacement and is sold or traded in, the COUNTY shall receive a proper refund or credit at the conclusion of the agreement. If the agreement is terminated, the CONSULTANT may either keep the equipment and credit the COUNTY in an amount equal to its fair market value, or sell such equipment at the best price obtainable at a public or private sale in accordance with established COUNTY procedures and credit the COUNTY in an amount equal to the sales price. If the CONSULTANT elects to keep the equipment, fair market value shall be determined at the CONSULTANT'S expense on the basis of a competent independent appraisal of such equipment.
Appraisals shall be obtained from an appraiser mutually agreeable to by the COUNTY and the CONSULTANT, if it is determined to sell the equipment, the terms and conditions of such sale must be approved in advance by the COUNTY.

D. All subcontracts in excess $25,000 shall contain the above provisions.

8. FUNDING REQUIREMENTS

A. It is mutually understood between the parties that this agreement may have been written before ascertaining the availability of funds or appropriation of funds, for the mutual benefit of both parties, in order to avoid program and fiscal delays that would occur if the agreement were executed after that determination was made.

B. This agreement is valid and enforceable only if sufficient funds are made available to the COUNTY for the purpose of this agreement. In addition, this agreement is subject to any additional restrictions, limitations, conditions, or any statute enacted by the Congress, State Legislature or COUNTY governing board that may affect the provisions, terms, or funding of this agreement in any manner.

C. It is mutually agreed that if sufficient funds are not appropriated, this agreement may be amended to reflect any reduction in funds.

D. The COUNTY has the option to void this agreement under the 30-day cancellation clause, or by mutual agreement to amend this agreement to reflect any reduction of funds.

Attachment: Quincy Eng 3rd amd & addm (RES-2022-22 : Approve a Fifth Amendment with Quincy Eng for Dogtown Bridge #39)

9. NON DISCRIMINATION

A. During the performance of this agreement, the CONSULTANT, for itself, its assignees and successors in interest agrees as follows:

B. Compliance with Regulations: The CONSULTANT shall comply with the Regulation relative to nondiscrimination in Federally-assisted programs of the Department of Transportation (hereinafter, "DOT") Title 49, Code of Federal Regulations, Part 21, and the Federal Highway Administration (hereinafter "FHWA") Title 23, Code of Federal Regulations, Part 200 as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this agreement.

C. Nondiscrimination: The CONSULTANT, with regard to the work performed by it during this agreement shall not discriminate on the grounds of race, color or national origin, sex, age, and disability/handicap and low income in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The CONSULTANT shall not participate either directly or indirectly in the discrimination prohibited by 49 CFR, Section 21.5 of the Regulations, including employment practices when this agreement covers a program set forth in Appendix B of the Regulations.

D. Solicitations for Sub-consultants, Including Procurements of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by this agreement for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential sub-consultant or supplier shall be notified by the CONSULTANT of the CONSULTANT's obligations under this agreement and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin, sex, age, and disability/handicap and low income.

E. Information and Reports: The CONSULTANT shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information and its facilities as may be determined by the COUNTY or the FHWA to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of the consultant is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to the COUNTY, or the FHWA as appropriate, and shall set forth what efforts it has made to obtain the information.

F. Sanctions for Noncompliance: In the event of the CONSULTANT's noncompliance with the nondiscrimination provisions of this agreement, the COUNTY shall impose such sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:

1. Withholding of payments to the CONSULTANT under this agreement until the CONSULTANT complies, and/or

2. Cancellation, termination or suspension of this agreement, in whole or in part.

Attachment: Quincy Eng 3rd amd & addm (RES-2022-22 : Approve a Fifth Amendment with Quincy Eng for Dogtown Bridge #39)

G. Incorporation of Provisions: The CONSULTANT shall include the provisions of paragraphs 1 through 6 in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The CONSULTANT shall take such action with respect to any subcontract or procurement as the COUNTY or the FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance; provided, however, that in the event a CONSULTANT becomes involved in, or is threatened with, litigation with a sub-consultant or supplier as a result of such direction, the CONSULTANT may request the COUNTY to enter into such litigation to protect the interests of the COUNTY and, in addition, the CONSULTANT may request the United States to enter into such litigation to protect the interests of the United States.

10. INSPECTION OF WORK

The CONSULTANT and any sub-consultant shall permit the COUNTY, the state, and the FHWA if federal participating funds are used in this agreement to review and inspect the project activities and files at all reasonable times during the performance period of this contract including review and inspection on a daily basis.

11. PROHIBITION OF EXPENDING LOCAL AGENCY, STATE OR FEDERAL FUNDS FOR LOBBYING

A. The CONSULTANT certifies to the best of his/her/its knowledge and belief that:

1. No state, federal or local agency appropriated funds have been paid, or will be paid, by-or-on behalf of the CONSULTANT to any person for influencing or attempting to influence an officer or employee of any state or federal agency; a member of the State Legislature or United States Congress; an officer or employee of the Legislature or Congress; or any employee of a member of the Legislature or Congress, in connection with the awarding of any state or federal contract; the making of any state or federal grant; the making of any state or federal loan; the entering into of any cooperative agreement; and the extension, continuation, renewal, amendment, or modification of any state or federal contract, grant, loan, or cooperative agreement.

2. If any funds other than federal appropriated funds have been paid, or will be paid, to any person for influencing or attempting to influence an officer or employee of any federal agency; a member of Congress; an officer or employee of Congress, or an employee of a member of Congress; in connection with this federal contract, grant, loan, or cooperative agreement; the CONSULTANT shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions.

Attachment: Quincy Eng 3rd amd & addm (RES-2022-22 : Approve a Fifth Amendment with Quincy Eng for Dogtown Bridge #39)

B. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, US. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

C. The CONSULTANT also agrees by signing this document that he/she/it shall require that the language of this certification be included in all lower-tier subcontracts which exceed $100,000, and that all such sub recipients shall certify and disclose accordingly

12. REBATES, KICKBACKS OR OTHER UNLAWFUL CONSIDERATION

A. The CONSULTANT warrants that this agreement was not obtained or secured through rebates, kickbacks or other unlawful consideration, either promised or paid to any COUNTY employee. For breach or violation of this warranty, COUNTY shall have the right in its discretion to terminate the agreement without liability; to pay only for the value of the work actually performed, or to deduct from the agreement price or otherwise recover the full amount of such rebate, kickback or other unlawful consideration.

13. REIMBURSEMENT OF TRAVEL & SUBSISTENCE

COUNTY agrees to pay pre-approved travel and subsistence expenses per the COUNTY's Travel Policy.

14. RETENTION OF RECORDS/AUDIT

A. For the purpose of determining compliance with Public Contract Code 10115, et seq. and Title 21, California Code of Regulations, Chapter 21, Section 2500 et seq., when applicable and other matters connected with the performance of this agreement pursuant to Government Code 8546.7; the CONSULTANT, subcontractors, and the COUNTY shall maintain all books, documents, papers, accounting records, and other evidence pertaining to the performance of this agreement, including but not limited to, the costs of administering this agreement. All parties shall make such materials available at their respective offices at all reasonable times during the agreement period and for three years from the date of final payment under this agreement. The state, the State Auditor, COUNTY, FHWA, or any duly authorized representative of the federal government shall have access to any books, records, and documents of the CONSULTANT that are pertinent to this agreement for audit, examinations, excerpts, and transactions, and copies thereof shall be furnished if requested.

B. Subcontracts in excess of $25,000 shall contain this provision.

Attachment: Quincy Eng 3rd amd & addm (RES-2022-22 : Approve a Fifth Amendment with Quincy Eng for Dogtown Bridge #39)

15. STATE PREVAILING WAGE RATES

A. The CONSULTANT shall comply with the State of California's General Prevailing Wage Rate requirements in accordance with California Labor Code, Section 177, and all federal, state, and local laws and ordinances applicable to the work.

B. Any subcontract entered into as a result of this agreement if for more than $25,000 for public works construction or more than $15,000 for the alteration, demolition, repair, or maintenance of public works, shall contain all of the provisions of this Article.

16. AUDIT REVIEW PROCEDURES

A. Any dispute concerning a question of fact arising under an interim or post audit of this agreement that is not disposed of by agreement, shall be reviewed by the COUNTY's project manager.

B. Not later than 30 days after issuance of the final audit report, CONSULTANT may request a review by the COUNTY of unresolved audit issues. The request for review shall be submitted in writing.

C. Neither the pendency of a dispute nor its consideration by the COUNTY will excuse CONSULTANT from full and timely performance in accordance with the terms of this contract.

D. CONSULTANT and sub-consultant agreements, including cost proposals and Indirect Cost Rates (hereinafter "ICR"), are subject to audits or reviews such as, but not limited to, a contract audit, an incurred cost audit, an ICR Audit, or a CPA ICR audit work paper review. If selected for audit or review, the agreement, cost proposal and ICR and related work papers, if applicable, will be reviewed to verify compliance with 48 CFR, Part 31 and other related laws and regulations. In the instances of a CPA ICR audit work paper review it is CONSULTANT's responsibility to ensure federal, state, or local government officials are allowed full access to the CPA's work papers including making copies as necessary. The agreement, cost proposal, and ICR shall be adjusted by CONSULTANT and approved by the COUNTY project manager to conform to the audit or review recommendations. CONSULTANT agrees that individual terms of costs identified in the audit report shall be incorporated into the agreement by this reference if directed by the COUNTY at its sole discretion. Refusal by CONSULTANT to incorporate audit or review recommendations, or to ensure that the federal, state or local governments have access to CPA work papers, will be considered a breach of agreement terms and cause for termination of the agreement and disallowance of prior reimbursed costs.

17. STATEMENT OF COMPLIANCE

A. The CONSULTANT's signature affixed herein, and dated, shall constitute a certification under penalty of perjury under the laws of the State of California that the CONSULTANT has, unless exempt, complied with the nondiscrimination program requirements of Government Code Section 12990 and Title 2, California Administrative Code, Section 8103.

Attachment: Quincy Eng 3rd amd & addm (RES-2022-22 : Approve a Fifth Amendment with Quincy Eng for Dogtown Bridge #39)

B. During the performance of this agreement, the CONSULTANT and its sub-consultants shall not unlawfully discriminate, harass, or allow harassment against any employee or applicant for employment because of sex, race, color, ancestry, religious creed, national origin, physical disability (including HIV and AIDS), mental disability, medical condition (e.g., cancer), age (over 40), marital status, and denial of family care leave. The CONSULTANT and sub-consultants shall insure that the evaluation and treatment of their employees and applicants for employment are free from such discrimination and harassment. The CONSULTANT and sub-consultants shall comply with the provisions of the Fair Employment and Housing Act (Gov. Code §12990 (a-f) et seq.) and the applicable regulations promulgated under the (California Code of Regulations, Title 2, Section 7285 et seq.). The applicable regulations of the Fair Employment and Housing Commission implementing Government Code Section 12990 (a-f), set forth in Chapter 5 of Division 4 of Title 2 of the California Code of Regulations, are incorporated into this agreement by reference and made a part hereof as if set forth in full. The CONSULTANT and its sub-consultants shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other agreement.

C. The CONSULTANT shall comply with regulations relative to Title VI (nondiscrimination in federally-assisted programs of the Department of Transportation – Title 49 Code of Federal Regulations, Part 21 - Effectuation of Title VI of the 1964 Civil Rights Act). Title VI provides that the recipients of federal assistance will implement and maintain a policy of nondiscrimination in which no person in the state of California shall, on the basis of race, color, national origin, religion, sex, age, disability, be excluded from participation in, denied the benefits of or subject to discrimination under any program or activity by the recipients of federal assistance or their assignees and successors in interest.

D. The CONSULTANT, with regard to the work performed by it during this agreement, shall act in accordance with Title VI. Specifically, the CONSULTANT shall not discriminate on the basis of race, color, national origin, religion, sex, age, or disability in the selection and retention of sub-consultants, including procurement of materials and leases of equipment. The Consultant shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the U.S. DOT's Regulations, including employment practices, when this agreement covers a program whose goal is employment.

18. SUBCONTRACTING

A. The CONSULTANT shall perform the services with resources available within its own organization; and no portion of the work pertinent to this agreement shall be subcontracted without written authorization by the COUNTY, except that which is expressly identified in the approved Cost Proposal.

B. Any subcontract in excess of $25,000 entered into as a result of this agreement, shall contain all the provisions stipulated in this agreement to be applicable to subcontractors.

C. Any substitution of sub-consultants must be approved in writing by the COUNTY.

Attachment: Quincy Eng 3rd amd & addm (RES-2022-22 : Approve a Fifth Amendment with Quincy Eng for Dogtown Bridge #39)

19. SAFETY

A. The CONSULTANT shall comply with OSHA regulations applicable to the CONSULTANT regarding necessary safety equipment or procedures. The CONSULTANT personnel shall wear hard hats and safety vests at all times while working on the construction project site.

B. Pursuant to the authority contained in Section 591 of the Vehicle Code, COUNTY has determined that such areas are within the limits of the project and are open to public traffic. The CONSULTANT shall comply with all of the requirements set forth in Divisions 11, 12, 13, 14, and 15 of the Vehicle Code. The CONSULTANT shall take all reasonably necessary precautions for safe operation of its vehicles and the protection of the traveling public from injury and damage from such vehicles.

C. Any subcontract entered into as a result of this agreement, shall contain all of the provisions of this Article.

IN WITNESS WHEREOF, the parties hereto have caused this Addendum to be executed by and through their respective authorized officers:

(END OF ADDENDUM)

Attachment: Quincy Eng 3rd amd & addm (RES-2022-22 : Approve a Fifth Amendment with Quincy Eng for Dogtown Bridge #39)

EXHIBIT: 10-H

County of Mariposa
Maxwell Creek on Dogtown Road
Bridge Number 40C0039

Quincy Engineering Inc.

CONSULTANT: Quincy Engineering

CONSULTANT COST PROPOSAL

DIRECT LABOR

Name	Classification	Range	Hours	Initial Hourly Rate	Total
Brent Lemon	Principal in Charge	$60 - $75	4 @	$76.70	$306.80
Lance Schrey	Project Manager - PM	$60 - $75	150 @	$69.50	$10,425.00
Greg Young	Senior Engineer - PE	$45 - $70	142 @	$63.00	$8,946.00
Juan Cruz	Assistant Engineer	$45 - $70	366 @	$31.60	$11,565.60
Scott Mc Cauley	Senior Engineer	$45 - $70	68 @	$53.00	$3,604.00
Krassimir Panayotov	Associate Engineer - DE	$45 - $70	46 @	$51.70	$2,378.20
Jim Thornton	Survey Manager	$32 - $55	0 @	$50.00	$0.00
Road Engineer	Assistant Engineer - DE	$25 - $40	0 @	$38.00	$0.00
Bridge Engineer	Assistant Engineer - DE	$25 - $40	32 @	$38.00	$1,216.00
Ray Weiss	Environmental Manager	$25 - $40	120 @	$59.00	$7,080.00
Staff	Biologist	$25 - $40	164 @	$35.00	$5,740.00
Staff	Planner	$15 - $50	100 @	$25.00	$2,500.00
Bob Maechler	CADD Technician	$20 - $32	128 @	$44.70	$5,721.73
Jim Foster	Principal Engineer (QC/QA)	$45 - $75	24 @	$76.70	$1,840.80
Phyllis Jordan	Admin	$10 - $35	8 @	$35.20	$281.60
Kelly Gallagher	Senior Engineer - Spec.s	$45 - $70	76 @	$64.10	$4,871.60
			1,428		
				Subtotal Direct Labor Costs	$66,477.33
		4%		**Anticipated Salary Increases**	$2,326.71
				TOTAL - Direct Labor	$68,804.04

INDIRECT COSTS

	Rate	Total
Overhead	163.90%	$112,769.82
Fringe Benefit (Included in OH)	0.00%	
General & Administrative (Included in OH)	0.00%	
	163.90%	
TOTAL - Indirect Costs		$112,769.82

FEE (12.00%) TOTAL - Fee $21,788.86

OTHER DIRECT COSTS

			Total
Travel Costs	1050 @	$0.540	$ 567.00
Per Diem / Hotel	2 @	$150.00	$ 300.00
Survey Prevailing Wage Differential			$ -
Overnight Service	4 @	$25.00	$ 100.00
Title Reports	0 @	$500.00	$ -
11 x 17 copies	3000 @	$0.10	$ 300.00
			$1,267.00

TOTAL COST $204,629.71

Subcontractor Costs $97,612.32
Total Contract $ 302,242.04

Total Cost not to Exceed = $303,000.00

Attachment: Quincy Eng 3rd amd & addm (RES-2022-22 : Approve a Fifth Amendment with Quincy Eng for Dogtown Bridge #39)

EXHIBIT: 10-H / (contd)

County of Mariposa
Maxwell Creek on Dogtown Road
Bridge Number 40C0039

Quincy Engineering Inc. - Optional Tasks

CONSULTANT: Quincy Engineering

CONSULTANT COST PROPOSAL

DIRECT LABOR

Name	Classification	Range	Hours	Initial Hourly Rate	Total
Brent Lemon	Principal in Charge	$60 - $75	0 @	$76.70	$0.00
Lance Schrey	Project Manager - PM	$60 - $75	36 @	$69.50	$2,502.00
Greg Young	Senior Engineer - PE	$45 - $70	30 @	$63.00	$1,890.00
Juan Cruz	Assistant Engineer	$45 - $70	36 @	$31.60	$1,137.60
Scott Mc Cauley	Senior Engineer	$45 - $70	0 @	$53.00	$0.00
Krassimir Panayotov	Associate Engineer - DE	$45 - $70	0 @	$51.70	$0.00
Jon Wheat	Survey Manager	$32 - $55	0 @	$50.00	$0.00
Road Engineer	Assistant Engineer - DE	$25 - $40	0 @	$38.00	$0.00
Bridge Engineer	Assistant Engineer - DE	$25 - $40	0 @	$38.00	$0.00
Ray Weiss	Environmental Manager	$25 - $40	8 @	$59.00	$472.00
Inspector	Biologist	$25 - $40	0 @	$35.00	$0.00
Chainman	Planner	$32 - $50	0 @	$25.00	$0.00
Bob Maechler	CADD Technician	$20 - $32	40 @	$44.70	$1,788.04
Jim Foster	Principal Engineer (QC/QA)	$45 - $75	0 @	$76.70	$0.00
Phyllis Jordan	Admin	$10 - $35	0 @	$35.20	$0.00
Kelly Gallagher	Senior Engineer - Spec.s	$45 - $70	0 @	$64.10	$0.00
			150		
				Subtotal Direct Labor Costs	$7,789.64
		4%		**Anticipated Salary Increases**	$272.64
				TOTAL - Direct Labor	$8,062.28

INDIRECT COSTS

	Rate	Total
Overhead	163.90%	$13,214.07
Fringe Benefit (Included in OH)	0.00%	
General & Administrative (Included in OH)	0.00%	
	163.90%	
TOTAL - Indirect Costs		$13,214.07

FEE (12.00%)

TOTAL - Fee $2,553.16

OTHER DIRECT COSTS

			Total
Travel Costs			
Per Diem / Hotel	375 @	$0.540	$ 202.50
Survey Prevailing Wage Differential	1 @	$150.00	$ 150.00
Overnight Service			$ -
Title Reports	1 @	$25.00	$ 25.00
11 x 17 copies	0 @	$500.00	$ -
	25 @	$0.10	$ 2.50
			$380.00

TOTAL COST $24,209.51

Subcontractor Costs	$ 36,589.50
Total Contract	$ 60,799.02
Total Cost not to Exceed =	$61,000.00

Attachment: Quincy Eng 3rd amd & addm (RES-2022-22 : Approve a Fifth Amendment with Quincy Eng for Dogtown Bridge #39)

RES. NO. 16-

SECOND AMENDMENT TO PROFESSIONAL SERVICE AGREEMENT

THIS SECOND AMENDMENT TO PROFESSIONAL SERVICE AGREEMENT is made and entered into this 2nd day of February 2016, by and between the County of Mariposa, a political subdivision of the State of California, hereinafter referred to as **"County"** and Quincy Engineering, hereinafter referred to as **"Consultant"**.

WHEREAS, the **County** and **Consultant** have heretofore entered into an Agreement dated October 15, 2013, wherein **Consultant** agreed to provide bridge design services for Dogtown Road over the Maxwell Creek Bridge (40C0039) ; and

WHEREAS, **County** and **Consultant** entered into the First Amendment dated January 6, 2015 to extend the completion date of this agreement.

WHEREAS, **County** and **Consultant** desire to amend said Agreement extending the date of completion to December 31, 2017.

NOW THEREFORE, the parties hereto in consideration of the mutual covenants herein recited, hereby agree as follows:

1. Paragraph 1.01 "Agreement Term" is hereby amended to extend the date of completion December 31, 2017.

2. Except as herein amended, the Agreement dated October 15, 2013, together with the First Amendment dated January 6, 2015 extending the date of completion to December 31, 2015 shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused this Amendment to be executed on the date first above written.

COUNTY OF MARIPOSA:

3-9-16

JOHN CARRIER, Chair (Date)
Mariposa County Board of Supervisors

CONSULTANT:
Quincy Engineering

01/15/16

(Signature) (Date)

APPROVED AS TO FORM:

3-9-16

STEVEN W. DAHLEM (Date)

ATTEST:

Rene' LaRoche 3-9-16

Rene LaRoche (Date)

Attachment: Quincy Eng 2nd amd (RES-2022-22 : Approve a Fifth Amendment with Quincy Eng for Dogtown Bridge #39)

RES. NO. 15-14

FIRST AMENDMENT TO PROFESSIONAL SERVICE AGREEMENT

THIS FIRST AMENDMENT TO PROFESSIONAL SERVICE AGREEMENT is made and entered into this 6th day of January, 2015, by and between the County of Mariposa, a political subdivision of the State of California, hereinafter referred to as **"County"** and Quincy Engineering, hereinafter referred to as **"Consultant"**.

WHEREAS, the **County** and **Consultant** have heretofore entered into an Agreement dated October 15, 2013, wherein **Consultant** agreed to provide bridge design services for Dogtown Road over the Maxwell Creek Bridge (Bridge No. 40C0039); and,

WHEREAS, **County** and **Consultant** desire to amend said Agreement extending the date of completion to December 31, 2015; and,

NOW THEREFORE, the parties hereto in consideration of the mutual covenants herein recited, hereby agree as follows:

1. Paragraph 1.01 "AGREEMENT TERM" is hereby amended to extend the date of completion to December 31, 2015.
2. Except as herein amended, the Agreement dated October 15, 2013, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused this Amendment to be executed on the date first above written.

COUNTY OF MARIPOSA:
Department of Public Works

Merlin Jones
MERLIN JONES, Chair
Mariposa County Board of Supervisors

1-6-15
(Date)

~~CONTACTOR:~~ Consultant
Quincy Engineering

John Quincy
(Signature)

12/17/14
(Date)

APPROVED AS TO FORM

Steven W. Dahlem
STEVEN W. DAHLEM
County Counsel

1-6-15
(Date)

ATTEST:

Rene' LaRoche
Rene LaRoche
Clerk of the Board of Supervisors

1-6-15
(Date)

Attachment: Quincy Eng 1st amd 40C0039 (RES-2022-22 : Approve a Fifth Amendment with Quincy Eng for Dogtown Bridge #39)

RES. NO. 13-459

14-013

PROFESSIONAL SERVICE AGREEMENT

THIS AGREEMENT is made this 15th day of October, 2013 between:

COUNTY: Mariposa County Department of Public Works
4639 Ben Hur Road
Mariposa, CA 95338

and

CONTRACTOR: Quincy Engineering
3247 Ramos Circle
Sacramento, CA 95827

ARTICLE 1. TERM OF AGREEMENT

1.01 Agreement Term: This Agreement shall become effective on October 1, 2013, and shall terminate on December 31, 2014, unless terminated in accordance with the provisions of Article 7 of this Agreement.

ARTICLE 2. INDEPENDENT CONTRACTOR STATUS

2.01 Independent Contractor: It is the express intention of the parties that Contractor is an independent Contractor and not an employee, agent, joint venturer or partner of County. Nothing in this Agreement shall be interpreted or construed as creating or establishing the relationship of employer and employee between County and Contractor or any employee or agent of Contractor. Both parties acknowledge that Contractor is not an employee for state or federal tax purposes. Contractor shall retain the right to perform services for others during the term of this Agreement.

2.02 Contractor Qualifications: Contractor represents that it has the necessary competence, experience and qualifications for the services to be performed.

2.03 Agreement Management: Contractor shall report to the Public Works Director who will review the activities and performance of the Contractor and administer this Agreement.

ARTICLE 3. SERVICES TO BE PERFORMED BY CONTRACTOR

3.01 Scope of Services: . Contractor agrees to provide services to the Department of Public Works per the scope of work attached hereto as Task Order No. 1. Quincy Engineering will provide Project Management, Topographic Survey and Right-of-Way Mapping, Geotechnical, Hydraulics, Preliminary Engineering and Environmental Surveys and Constraints Mapping for the Maxwell Creek Bridge on Dogtown Road (40C0039) as detailed in Exhitit "A" attached.

Additional Task Orders must be approved by the Board of Supervisors stating the dollar value of the services, the method of payment, and any adjustment in Agreement time. All such services are to be coordinated with County and the results of the work shall be

Attachment: Quincy Eng. 14-013 40C0039 (RES-2022-22 : Approve a Fifth Amendment with Quincy Eng for Dogtown Bridge #39)

monitored by the Public Works Director or his/her designee. However, the means by which the work is accomplished shall be the sole responsibility of the Contractor.

3.02 Method of Performing Services: Contractor will determine the method, details, and means of performing the above-described services. County shall not have the right to, and shall not, control the manner or determine the method of accomplishing Contractor's services.

3.03 Employment of Assistants: Contractor may, at the Contractor's own expense, employ such assistants as Contractor deems necessary to perform the services required of Contractor by this Agreement. County may not control, direct, or supervise Contractor's responsibility for assistants or employees in the performance of those services. Contractor assumes full performance of those services. Contractor assumes full and sole responsibility for the payment of all compensation and expenses of such assistants and for all state and federal income tax, unemployment insurance, Social Security, disability insurance and other applicable withholdings.

ARTICLE 4. COMPENSATION

4.01 Compensation: The basis of payment for services under this agreement shall be "time and materials" with a not to exceed amount of **$171,000**. The basis of payment will be designated in each Task Order.

a. For Task Orders designated as "time and materials", the consultant shall be paid, and reimbursed for costs, a total sum not to exceed the amount shown in the Task Order. Payment will be made at the rates set forth in Exhibit "B" attached hereto and incorporated herein by reference. In the event payments equal the "not to exceed" amount, Consultant shall complete all services required under this agreement without further compensation or cost reimbursement.
b. The total sum to be paid to Contractor includes all labor, materials, travel and other expenses to be incurred by Contractor in the performance of the services described herein.

4.02 Invoices: Contractor shall submit detailed invoices for all services being rendered from the Contractor to the County. All invoices shall reference contract number.

4.03 Date for Payment of Compensation: County will endeavor to make payment within 45 days of invoices being submitted from the Contractor to the County, and approval and acceptance of the work by the County.

4.04 Expenses: Contractor shall be responsible for all costs and expenses incident to the performance of services for County, including but not limited to, all costs of equipment provided by Contractor, all fees, fines, licenses, bonds or taxes required of or imposed against Contractor and all other of Contractor's costs of doing business. County shall not be responsible for any expense incurred by Contractor in performing services for County.

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ARTICLE 5. OBLIGATIONS OF CONTRACTOR

5.01 Tools and Instrumentalities: Contractor will supply all tools and instrumentalities, required to perform the services under this Agreement. Contractor is not required to purchase or rent any tools, equipment or services from County. County shall not provide working space, supplies, materials or other such support to Contractor in the performance of the services and tasks as described herein.

5.02 Indemnification: Contractor shall indemnify and hold County harmless against any and all liability imposed or claimed, including attorney's fees and other legal expenses, to the extent caused by the negligent performance of services by Contractor or Contractor's assistants, employees or agents, including all claims relating to the injury or death of any person or damage to any property. Contractor agrees to maintain a policy of liability insurance in the minimum amount of One Million Dollars ($1,000,000) or an amount as otherwise determined appropriate by the County Risk Manager to cover such claims. Contractor shall furnish a certificate of insurance evidencing such insurance and naming the County as an additional insured for the above-cited liability coverage prior to commencing work. Acceptance by County of insurance certificates and endorsements required under this Agreement does not relieve Contractor from liability under this indemnification and hold harmless clause. By execution of this Agreement, Contractor acknowledges and agrees to the provisions of this Section and that it is a material element of consideration.

5.03 General Liability and Automobile Insurance: During the term of this Agreement Contractor shall obtain and keep in full force and effect a commercial, general liability and automobile policy or policies of at least $1,000,000 combined limit for bodily injury and property damage; provided that the County, its officers, employees, volunteers and agents are to be named additional insureds under the policies, and that the policies shall stipulate that this insurance will operate as primary insurance for work performed by Contractor and its sub-contractors, and that no other insurance effected by County or the named insureds will be called on to cover a loss covered hereunder. The General Liability insurance shall be provided by an ISO Commercial General Liability policy, with edition dates of 1985, 1988, or 1990. The County will be named as an additional insured using ISO form CG 2010 1185 or the same form with an edition date no later than 1990, or in other form satisfactory to County.

5.04 Professional Liability Coverage: Contractor shall provide proof of professional liability coverage satisfactory to County prior to commencing work under the Agreement.

5.05 Certificate of Insurance: Contractor shall complete and file with the County prior to engaging in any operation or activity set forth in this Agreement, certificates of insurance evidencing coverage as set forth in paragraphs 5.02, 5.03 and 5.04 above and which shall provide that no cancellation or expiration by the insurance company will be made during the term of this Agreement, without thirty (30) days written notice to County prior to the effective date of such cancellation.

5.06 Workers' Compensation: During the term of this Agreement Contractor agrees to provide workers' compensation insurance for Contractor's employees and agents and agrees to hold harmless and indemnify County for any and all claims arising out of any injury, disability, or death of any of Contractor's employees or agents.

5.07 Public Employees Retirement System (CalPERS): In the event that Contractor or any employee, agent, or subcontractor of Contractor providing services under this Agreement

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is determined by a court of competent jurisdiction or the Public Employees Retirement System (CalPERS) to be eligible for enrollment in CalPERS as an employee of the County, Contractor shall indemnify, defend, and hold harmless County for the payment of any employee and/or employer contributions for CalPERS benefits on behalf of Contractor or its employees, agents, or subcontractors, as well as for the payment of any penalties and interest on such contributions, which would otherwise be the responsibility of County.

5.08 State and Federal Taxes: As Contractor is not County's employee; Contractor is responsible for paying all required state and federal taxes. In particular:

a) County will not withhold FICA (Social Security) from Contractor's payments;
b) County will not make state or federal unemployment insurance contributions on behalf of Contractor;
c) County will not withhold state or federal income tax from payment to Contractor;
d) County will not make disability insurance contributions on behalf of Contractor;
e) County will not obtain workers' compensation insurance on behalf of Contractor.

5.09 Records: It is understood and agreed that all plans, studies, specifications, and data magnetically or otherwise recorded on computer or computer diskettes, records, files, reports, etc., in possession of the Contractor relating to the matters covered by this Agreement shall be the property of the County, and Contractor hereby agrees to deliver the same to the County upon request. It is understood and agreed that the documents and other materials including but not limited to those set forth hereinabove, prepared pursuant to this Agreement are prepared specifically for the County and are not necessarily suitable for any future or other use. Contractor shall maintain such records for a minimum of three (3) years or as otherwise required by law.

5.10 Contractor's Books and Records: Contractor shall maintain any and all ledgers, books of account, invoices, vouchers, canceled checks, and other records or documents evidencing or relating to charges for services or expenditures and disbursements charged to the County for a minimum of three (3) years, or for any longer period required by law, from the date of final payment to the Contractor. Any records or documents required to be maintained shall be made available for inspection, audit and/or copying at any time during regular business hours, upon oral or written request of the County.

5.11 Assignability of Agreement: It is understood and agreed that this Agreement contemplates personal performance by the Contractor and is based upon a determination of its unique personal competence and experience and upon its specialized personal knowledge. Assignments of any or all rights, duties or obligations of the Contractor under this Agreement will be permitted only with the express written consent of the County.

ARTICLE 6. OBLIGATIONS OF COUNTY

6.01 Cooperation of County: County agrees to comply with all reasonable requests of Contractor and provide access as allowed by law to all documents reasonably necessary to the performance of Contractor's duties under this Agreement.

6.02 Assignment: Neither this Agreement nor any duties or obligations under this Agreement may be assigned by County without the prior written consent of Contractor.

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ARTICLE 7. TERMINATION OF AGREEMENT

7.01 Termination Occurrence of Stated Events: This Agreement shall terminate automatically on the occurrence of any of the following events:

1. Bankruptcy or insolvency of Contractor;
2. Death of Contractor.

7.02 Termination by County for Default of Contractor: Should Contractor default in the performance of this Agreement or materially breach any of its provisions, County, at County's option, may terminate this Agreement by giving written notification to Contractor.

7.03 Termination for Convenience of County: County may terminate this Agreement at an time by mailing a notice in writing to Contractor that the Agreement is terminated. Said Agreement shall then be deemed terminated and no further work shall be performed by Contractor. If the Agreement is so terminated, the Contractor shall be paid for services performed in accordance with Article 4 (Compensation) of this Agreement at the time the notice of termination is received.

7.04 Termination of Funding: The parties acknowledge that the nature of government finance is unpredictable, and that the rights and obligations set forth in this Agreement are necessarily contingent upon the receipt and/or appropriation of the necessary funds. In the event that funding is terminated, in whole or in part, for any reason, at any time, this Agreement and all obligations of County arising from this Agreement shall be immediately discharged. County agrees to inform Contractor no later than thirty (30) calendar days after County determines, in its sole judgment, that funding will be terminated and the final date for which funding will be available.

ARTICLE 8. GENERAL PROVISIONS

8.01 Notices: Any notices to be given hereunder by either party to the other may be effected either by personal delivery in writing or by mail, registered or certified, postage prepaid and return receipt requested. Mailed notices shall be addressed to the parties at the addresses appearing in the introductory paragraph of this Agreement, but each party may change the address by written notice in accordance with this paragraph. Notices delivered personally will be deemed communicated as of actual receipt; mailed notices will be deemed communicated as of two (2) days after mailing.

8.02 Entire Agreement of the Parties: This Agreement supersedes any and all agreements, either oral or written, between the parties hereto with respect to the rendering of services by Contractor for County and contains all the covenants and agreements between the parties with respect to the rendering of such services in any manner whatsoever. Each party to this Agreement acknowledges that no representations, inducements, promises, or agreements, orally or otherwise, have been made by any party, or anyone acting on behalf of any party, which is not embodied herein, and that no other agreement, statement, or promise not contained in this Agreement shall be valid or binding. Any modification of this Agreement will be effective only if it is in writing signed by the party to be charged and approved by the County as provided herein or as otherwise required by law.

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8.03 Partial Invalidity: If any provision in this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions will nevertheless continue in full force without being impaired or invalidated in any way.

8.04 Attorney's Fees: If any action at law or in equity, including an action for declaratory relief, is brought to enforce or interpret the provisions of this Agreement, the prevailing party will be entitled to reasonable attorneys' fees, which may be set by the court in the same action or in a separate action brought for that purpose, in addition to any other relief to which that party may be entitled.

8.05 Conformance to Applicable Laws: Contractor shall comply with the standard of care regarding all applicable federal, state and county laws, rules and ordinances. No discrimination shall be made by Contractor in the employment of persons who work under this Agreement because of race, color, national origin, ancestry, disability, sex or religion of such person.

8.06 Waiver: In the event that either County or Contractor shall at any time or times waive any breach of this Agreement by the other, such waiver shall not constitute a waiver of any other or succeeding breach of this Agreement, whether of the same or any other covenant, condition or obligation.

8.07 Governing Law: This Agreement and all matters relating to it shall be governed by the laws of the State of California and County of Mariposa and any action brought relating to this Agreement shall be held exclusively in a state court in the County of Mariposa.

Executed at Mariposa, California, on the date and year first above written.

COUNTY:
Department of Public Works

LEE STETSON, Chairman
Mariposa County Board of Supervisors

10-15-13
Date:

CONTRACTOR:
Quincy Engineering

(Signature)

9/24/13
Date:

APPROVED AS TO FORM:

STEVEN W. DAHLEM
County Counsel

10/15/13
Date:

APPROVED BY:

PETER M. REI, PE
Public Works Director

9/26/13
Date:

Revised 5/06/13

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PROJECT SCOPE OF WORK

SCOPE OF WORK

Quincy Engineering, Inc. (Quincy) provides the following scope of work to provide plans, specifications, and estimate (PS&E), environmental clearance and construction management for a the replacement of the Maxwell Creek Bridge on Dogtown Road (**Bridge Number 40C0039**) in **Mariposa County (County)**. The work has been broken out into three phases as described below:

- **Phase 1 (Phase 1 scope shown below)**
  - Project Management
  - Topographic Survey & Right of Way Mapping
  - Geotechnical
  - Hydraulics
  - Preliminary Engineering
  - Environmental Surveys and Constraints Mapping
- **Phase 2 (Scope to be determined upon completion of Phase 1)**
  - Public Outreach
  - Environmental Studies
  - Plans, Specifications and Estimate
  - Appraisals and Acquisitions
- **Phase 3 (Scope to be determined upon completion of Phase 2)**
  - Bidding and Post Award
  - Construction Management

Phase 1 scope of work is shown below. The Phase 2 & 3 scope of work will be determined from the findings in Phase 1. Attached (Exhibit B) is the corresponding fee for the following tasks in Phase 1.

PHASE I

TASK 1 – PROJECT MANAGEMENT

Task 1.1 - Kick-off Meeting

A kick-off meeting will be held at the **County** office after the Notice to Proceed and will introduce the Project Team, establish communication channels, set the project schedule, clarify the Scope of Work, and define the roles and responsibilities of the various Team members. **Quincy** will distribute an approved meeting agenda, arrange attendance of key team members, and distribute meeting minutes. Upon completion of the meeting the Project Team will visit the site.

Task 1 Products:

- Kick-off Meeting
- Project Schedule – MS Project
- PDT Meetings (Agenda & Meeting Minutes) – Total 2
- Phone Conferences – Total 1

Task 1.2 - Project Management & Schedule

Quincy will be responsible for assembling a Project Development Team (PDT) for the project. **Quincy** will lead PDT meetings, which will include distributing approved meeting agendas, arranging attendance of key team members, and distributing meeting minutes along with a summary of action items. **Quincy** will also develop and update a critical path schedule for the project. A total of two (2) PDT meetings in person and one (1) Phone Conference is proposed for this Scope of Work in addition to the kick-off meeting. **Quincy** will also develop a PS&E delivery schedule to distribute to the Team, which will be updated regularly as required.

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Task 1.3 - Quality Control/Quality Assurance

Quincy will provide documented Quality Control/Quality Assurance following our in-house QA/QC Manual. **Quincy** will provide contract management and quality control services throughout the duration of the project.

Task 1.4 - Highway Bridge Program (HBP) Updates

Quincy will assist the **County** with the completion of HBP forms requiring submittal found in the Caltrans Local Assistance Program Guidelines. The HBP forms will be completed and submitted to the **County** in Microsoft Word format.

TASK 2 – TOPOGRAPHIC SURVEY & RIGHT-OF-WAY MAPPING

Task 2.1 - Record Research & Record Calculations

Quincy will perform record research at the **County** to locate recorded maps, deeds, right-of-way maps, and other boundary evidence. Preliminary Title Reports for each property affected will be provided by the county and all exception documents will be reviewed to determine the potential effects on the existing right-of-way. Record right-of-way and property boundaries located within the project limits will be calculated to facilitate search positions for existing boundary evidence in the field.

Task 2.2 - Right-of-Way & Control Field Survey

Quincy will perform a right-of-way survey and provide design control and right-of-way mapping for the project. Horizontal and vertical control points will be set to last throughout the project. Horizontal datum will be based on the North American Datum 83 (NAD 83). Vertical datum will be based on the North America Vertical Datum 88 (NAVD 88). A field survey will be conducted to search and locate existing survey monuments and physical evidence required to establish the existing right-of-way and property lines at those locations where any portion of the project encroaches.

Task 2.3 - Legal Descriptions

Up to two parcels may be affected and each may require right-of-way takes (acquisitions) and temporary construction easements. If needed, **Quincy** will prepare legal descriptions and exhibits for two parcels (two for each parcel).

Task 2.4 - Topographic Survey & Cross-Sections

A topographic survey will be conducted locating existing site improvements, visible utilities, trees larger than six inches in diameter, and other features necessary for improvement design. All surveys will be based on the previously established project control. Survey data will be compiled and processed and incorporated into a Topographic Base Map to serve as a base file for design improvements. Additionally, seven (7) cross-sections of the creek will be taken to facilitate the hydraulic analysis.

Task 2 Products:

- Record Research
- Control and Right-of-Way Survey
- TCE Legal Descriptions & Exhibits (*four total - optional*)
- Topographic and Utility Base Map
- Cross-Sections

TASK 3 – GEOTECHNICAL INVESTIGATIONS & FOUNDATION REPORT

Task 3.1 - Pre-field Activities

Prior to the field work, Kleinfelder will perform a site reconnaissance to review project limits and mark the exploratory boring locations for utility clearance. It is anticipated an encroachment permit with the **County** will be necessary to complete the borings in the roadway. Obtaining the permits is included in our scope, but based on previous experience, it is anticipated the encroachment permit would be issued without

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charge.

Task 3 Products:

- Preliminary Foundation Memorandum
- Draft Foundation Report
- Final Foundation Report
- Log of Test Borings (LOTB)
- iSA

Task 3.2 - Field Exploration Program

Based on discussions with designers, it is anticipated that the new bridge will be a single span structure and the planned field exploration will include two (2) test borings to depths of about 40 to 50 feet below existing grade. If auger refusal occurs before these depths due to bedrock, Kleinfelder is prepared to rock core approximately 15 feet into bedrock. One boring will be performed along the dirt shoulder of the road at each abutment. The borings will be advanced with a truck mounted drill rig capable of utilizing hollow-stem auger, rotary wash (once groundwater is encountered), and rock coring techniques. The soil cuttings and drilling fluid will be contained in 55 gallon drums and removed from the site once we are completed with the field exploration program. Samples will be obtained from the test borings at frequent intervals. Sampling, logging, and oversight of drilling operations will be performed in accordance with Caltrans by an engineer from this office who is qualified by both education and experience. Upon completion, test borings will be backfilled with cement grout.

Necessary traffic control and/or signage will be obtained by Kleinfelder.

Task 3.3 - Preliminary Foundation Memorandum

Following completion of the subsurface exploration, Kleinfelder will prepare a Preliminary Foundation Memorandum. This memorandum will include foundation recommendations for the proposed bridge.

Task 3.4 - Laboratory Testing Program

Selected soil samples obtained during the field exploration will be tested in Kleinfelder's local Caltrans certified laboratory to evaluate certain physical properties that will be necessary to complete the engineering analysis. Based on the anticipated subsurface conditions at the site, it is anticipated the following laboratory tests will be performed:

- In-place density and moisture content, American Society for Testing and Materials (ASTM) D2937
- Direct shear strength, ASTM D3080
- Unconfined Compression, ASTM D2166
- Grain-size distribution, ASTM D422
- Soluble sulfate, California Test Method No. 417
- Soluble chloride, California Test Method No. 422
- Minimum electrical resistivity, California Test Method No. 643

Task 3.5 - Engineering Analysis and Foundation Report Preparation

After the field and laboratory phases are complete and based on engineering evaluation and analysis of field and laboratory data, a draft Foundation Report will be prepared, followed by a final Foundation Report once all review comments have been received. The report will follow basic Caltrans LRFD guidelines and the revised Caltrans Foundation Report Preparation for Bridge Foundations (2009), which became effective January 1, 2010. The FR will present comments and recommendations to aid in design of the bridge along with Log of Test Boring drawings suitable for inclusion into the contract drawings. It is anticipated that the following specific items will be included in the Foundation Report:

- A description of the proposed project.
- Discussion of the field and laboratory testing programs.

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- Comments on the regional geology and site engineering seismology, including the potential for liquefaction and seismically induced settlement.
- Recommended peak ground acceleration and ARS curve based on Caltrans Seismic Design Criteria 1.7 (released April 2013).
- Recommended gross and net permissible contract stress associated with tolerable settlements and bearing capacity and design footing elevations of spread footing foundations, if appropriate.
- Recommendations for lateral capacity of spread footings (passive pressure and frictional coefficient), if appropriate.
- Recommended design and specified tip elevations for pile foundations under Service Limit, Strength Limit, and Extreme Event load, if appropriate.
- Recommendations for design of laterally loaded piles, if appropriate.
- Comments on soil stiffness and ultimate equivalent lateral pressure for resisting dynamic loading of abutment walls.
- Comments on the corrosion potential of foundation soil.
- Log of Test Boring drawings suitable for inclusion into the contract drawings.

Task 3.6- Initial Site Assessment (ISA)

The ISA for this project will be completed by Kleinfelder in accordance with the Caltrans "Initial Site Assessment" guidelines and requirements. If their research indicates that additional investigation or sampling and analysis are recommended, a separate scope of work, budget, and schedule will be submitted for County approval. An ISA does not typically include sampling and analysis. The ISA may identify areas which require additional Phase II investigation. Other services can be provided to further understand the site conditions. These services include, but are not limited to, soil vapor surveys, soil and groundwater assessments, geophysical surveys, and risk assessments. These services can be provided for additional fees.

Kleinfelder will provide a final report of findings. The report of findings will include an evaluation of the information obtained from the ISA. The report will include illustrations, color photographs, and pertinent regulatory agency documentation regarding the site. The report will discuss findings and recommendations.

Task 3.6.1 - Regulatory Agency and Other Records Review

Standard Environmental Record Sources: Federal and State

A review of published lists of state and federal regulatory agency investigations and/or enforcement actions for the site and within the following ASTM minimum search distances of the site.

- United States Environmental Protection Agency (U.S.E.P.A.) National Priority List (NPL), RCRA Treatment, Storage and Disposal (TSD) facilities, the Cal-EPA Department of Toxic Substances Control (DTSC) Cal-Sites List including the Bond Expenditure Plan (BEP) and Annual Workplan and the Cal-EPA Office of Environmental Information Hazardous Waste and Substances Sites List (formerly the CORTESE list) for the site and properties within one mile of the site.
- U.S. E.P.A. CERCLIS list, Regional Water Quality Control Board Tank Tracking System and California Integrated Waste Management Board SWIS and SWAT lists within one-half mile of the site.
- The RCRA generators list and the local or state list of registered underground storage tanks for the site and adjacent properties. The Emergency Response Notification System (ERNS) for the subject site only.

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it is Kleinfelder's experience that the three above listed bulleted items will satisfy Caltrans' ISA protocol.

Additional Environmental Sources; State and Local

Review of reasonably ascertainable state and local regulatory agency records for information pertaining to environmental permits, site investigations, and documented enforcement actions for the subject site and adjacent facilities only. State and local agencies contacted may include the following as appropriate:

The local agency branch of the State Office of Emergency Services, the Regional Water Quality Control Board, the local Environmental Health Department, the local Fire Department, the Air Quality Management District or Air Pollution Control District, the local Planning Department, the Building Department, and the local utility company.

Interviews with local government officials for information regarding use, storage, and disposal of hazardous substances for the subject site or adjacent properties. Local government officials contacted may include the following as appropriate:

- Local fire department
- Local health agency
- Local agency with responsibility for hazardous waste disposal or other environmental matters such as: State of California Department of Water Resources for on-site water wells, the California Department of Conservation, Division of Oil and Gas for onsite oil wells, the Office of the California State Fire Marshall or Public Utilities Commission for pipelines, or the local Agricultural Commissioner for restricted pesticide use permits for the site.

Task 3.6.2 - Site History and Setting

In order to comply with Caltrans ISA guidelines, one or more of the following reasonably ascertainable standard historical sources will be consulted for information regarding the subject site:

- Review obtainable Sanborn Fire Insurance Company Maps to gain knowledge of past operations, facilities, or activities of environmental concern for the subject site and adjacent properties.
- Review readily obtainable aerial photographs for discernible physical features regarding past operations, facilities, and activities of environmental concern for the subject site and adjacent properties.
- Review available city directories for prior business names, which operated at the subject site.
- Review chain-of-title or recorded document guarantee report (if provided by client) dating back 50 years, which lists current and former easements and ownership. As an alternative a preliminary title report describing existing easements and current ownership may be reviewed if provided by the client.
- Review geological and hydrogeological information for the area in which the site is located.

Task 3.6.3 - Site Reconnaissance

Conduct a site visit to observe field conditions indicating recognizable environmental conditions in connection with the property, which may include:

- Note obvious location(s) of suspected past and present hazardous substance storage, application, use, and disposal areas.

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- Note obvious location(s) of aboveground and underground storage tanks, pipelines, wells, and transformers and note building materials suspected to contain asbestos. Pertinent information or helpful documents that the client has or can obtain regarding as-built drawings, environmental permits or registrations, previous assessments, etc., for underground tanks, etc., is requested to be made available for use by Kleinfelder.
- Note obvious uses and environmental conditions concerns as noted in the review of the aerial photography.
- Note facilities adjacent to the site that have an obvious potential to affect the environmental conditions at the site.
- Photographically document conditions at the time of the site visit.

Task 3.6.4 - Final Report of Findings

Provide a final report of findings. The report of findings will include an evaluation of the information obtained from the ISA. The report will include illustrations, color photographs, and pertinent regulatory agency documentation regarding the site. The report will discuss findings and recommendations.

TASK 4 – HYDRAULICS

Task 4.1 - Project Meetings

WRECO will attend one (1) combined Project kickoff field meeting for the two bridges on Dogtown Road over Maxwell Creek. WRECO will also participate in two (2) conference calls with the **County** and Project Team staff.

Task 4 Products:

- Draft Bridge Location Hydraulic Study Memo (3 copies)
- Final Bridge Location Hydraulic Study Memo (5 copies)
- Draft Bridge Design Hydraulic Study Report (3 copies)
- Draft Bridge Design Hydraulic Study Report (5 copies)

Task 4.2 - Data Review and Field Reconnaissance

WRECO will review available data, including previous studies, provided by the **County** and the Project Team. WRECO will conduct a field reconnaissance to assess the existing conditions in the vicinity of the Project site.

Task 4.3 - Hydrologic Analysis

WRECO's preliminary research of the Federal Emergency Management Agency's (FEMA) Flood Insurance Study (FIS) indicated that there are no detailed studies available. WRECO will perform hydrologic analyses using at least two of three different methods to estimate the design flows: 1) USGS Regional Regression Method, 2) Unit Hydrograph Method, and 3) a statistical analysis using the USGS stream gage data. WRECO will identify the appropriate design floods (usually the 50-year flood), base flood (100-year flood), flood of record (if possible), and the overtopping flood.

Task 4.4 - Hydraulic Analysis

WRECO will perform a hydraulic analysis to determine the design flow characteristics for the existing condition through the study area including the limits and water surface profile through the study area for the base flood. The hydraulic model of choice will be the U.S. Army Corps of Engineers' HEC-RAS Model. WRECO will coordinate with the Project Team to obtain the surveyed channel cross-sections for setting up the hydraulic models.

Task 4.5 - Bridge Location Hydraulic Study

WRECO will perform a Location Hydraulic Study and conduct a floodplain risk assessment. WRECO will

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prepare a Bridge Location Hydraulic Study Memo, which will include the standard Summary of Floodplain Encroachment Form and technical discussions.

Task 4.6 - Scour Analysis

WRECO will perform scour analysis to determine the stability of the creek and the scour potential for the proposed Project per the methodology specified in the Federal Highway Administration's HEC-18, HEC-20, and HEC-23 manuals. WRECO will make recommendations on the need for scour countermeasures. The bridge site has the presence of bedrock, although there has been report of a minor scour concerns.

Task 4.7 - Bridge Design Hydraulic Study

WRECO will prepare a Hydrology and Bridge Hydraulics Report to summarize the results from the hydraulic and bridge scour analyses and recommendations for bridge scour countermeasures. The report will include all the detailed hydraulic model output.

TASK 5 – PRELIMINARY ENGINEERING

Task 5.1 - Basis of Design

A Basis of Design document will be developed to summarize previously prepared information for the project, key project development standards, and traffic count data. This document will establish the design criteria and the preliminary roadway alignments.

Task 5.2 – Replacement Justification

The current sufficiency rating for this bridge is 57 with a status of "*Functionally Obsolete*". While FHWA does not typically fund the widening of bridges that are constructed of timber, our experience with Caltrans District 10 Structures Local Assistance is they will require a memorandum justifying replacement. **Quincy** will prepare this memorandum.

Task 5.3 - Roadway Geometric Approval Drawings and Bridge Advance Planning Studies

Quincy will prepare preliminary roadway geometric drawings, bridge planning studies, and summarize the advantages/disadvantages for various alternatives. This will assist the **County** in their determination of the preferred alignment and bridge type. Since the roadway will be replaced on the existing tangent alignment, roadway alternatives will likely consist of vertical profile options based on various bridge depth alternatives. Since the roadway will be widened, **Quincy** will also study minimizing the right-of-way impacts with several horizontal alignment shifts. **Quincy** will study up to two horizontal widening options, and up to three vertical profile options. **Quincy** will develop up to three bridge planning study alternatives.

Task 5 Products:

- Basis of Design Document
- Replacement Justification Memorandum (3 copies)
- Type Selection Report (5 hard copies and electronic PDF)
- 30% Roadway plans (5 sets – 11" x 17")

Task 5.4 - Type Selection Report

Quincy will prepare a Type Selection Report, which will contain a General Plan and General Plan Estimate for each alternative along with our alternative recommendation. The report will also summarize design speed, safety, geotechnical, hydraulics, aesthetics, right-of-way impacts, environmental constraints, construction access and costs.

Task 5.5 - Preliminary Roadway Design (30% Plans)

Upon the County's decision on a preferred roadway alignment, **Quincy** will begin preparing 30% Roadway Plans. The plans will be completed to a 30% level of design, which will include horizontal and vertical alignments, typical cross-sections and safety elements required at the bridge. The plans will include any

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required staging or detour. Limits of cut/fill slopes will also be shown to determine the maximum area of disturbance to develop preliminary right-of-way acquisition requirements and the environmental study limits. **Quincy** shall prepare an "Engineers Opinion of Probable Construction Cost" and will include appropriate contingency factors for this level of design.

TASK 6 – ENVIRONMENTAL

The scope described below includes preparation of the PES Form, preliminary literature searches and field surveys which will be used to prepare the technical reports (Phase 2). Consistent with their recent experience on similar bridge replacement projects, ESA assumes that preparation of a Categorical Exclusion (CE) (with supporting technical studies) will be sufficient to address the requirements of NEPA, with preparation of the CE by Caltrans staff consistent with Federal Highway Administration NEPA delegation requirements. Consequently, this scope of work assumes completion of the CE by Caltrans District 10 staff, with preparation of the supporting technical studies by ESA team members.

Task 6 Products:

- Complete PES Form
- Constraints Mapping

Task 6.1 - Complete PES and Coordination Meeting

Bridge 40C0039: ESA will coordinate with the **County** to prepare a draft project description to be used in the environmental compliance documents. The project description will identify the project purpose and need, project objectives, major project elements, project location, and timing. As part of the project description, an Area of Potential Effect (APE) map will also be prepared.

Using preliminary environmental site data, ESA will prepare and submit a draft PES form and APE map to the **County** and Caltrans. Based on their preliminary review of the Study Area, the scope of work assumes preparation of several technical studies (Phase 2). ESA will also assist the **County** in scheduling a site visit with Caltrans staff to review and confirm the assumptions outlined in the draft PES form and APE map. Upon completion of the site visit, ESA will revise the draft PES and APE as appropriate and resubmit the final forms/maps to the **County** and Caltrans staff.

Task 6.2 – Field Surveys and Constraints Mapping

ESA will perform a wetland delineation along with performing field surveys for the Water Quality Assessment Report (WQAR), Natural Environment Study (NES), Biological Assessment (BA), Archaeological Survey Report (ASR) and Historic Property Survey Report (HPSR). From these surveys a constraints map will be prepared which will be used to scope the required Phase 2 work

PROJECT ASSUMPTIONS

- The Kick-off Meeting for this project will coincide with the Kick-off Meeting for the Maxwell Creek Bridge on Dogtown Road (Bridge Number 40C0038), which is located approximately one mile from this bridge.
- In the event that suspected hazardous materials are encountered, visually or by odor in any geotechnical test boring, such boring will be immediately terminated and arrangements will be made to backfill the boring with cement grout. All added costs incurred as a result of suspected hazardous substances would be charged on a time and materials basis over and above the attached fee estimate.
- The scope of work does not include protocol-level surveys or exclusion and/or relocation efforts for listed species.

Attachment: Quincy Eng. 14-013 40C0039 (RES-2022-22 : Approve a Fifth Amendment with Quincy Eng for Dogtown Bridge #39)

Cost Proposal

EXHIBIT B

Mariposa County - Maxwell Creek Bridge on Dogtown Road Bridge Replacement (Br. No. 40C0039)

Date: 8/15/2013

	Quincy Engineering, Inc.				
	Direct Labor:				$30,299.28
	Escalation for Multi-Year Project (3.5%):				$1,060.47
	Overhead (1.79):				$56,259.40
A.	Labor Subtotal				$87,619.15
	Subconsultant Costs:				
	Kleinfelder				$31,516.00
	WRECO				$17,083.00
	AIM				$0.00
	ESA				$20,501.00
	Bender Rosenthal				$0.00
	Testing				$0.00
B.	Subconsultant Subtotal				$69,100.00
	Other Direct Costs:				
	Plotter/Computer		hours @	$10.00	$0.00
	Travel	1050	miles @	$0.565	$593.25
	Pier Diem/ Hotel	2	days @	$150.00	$300.00
	Phone/Fax				$0.00
	Delivery	3	@	$25.00	$75.00
	Survey Prevailing Wage Differential				$2,010.00
	Vellum / Mylars	0	sheets @	$25.00	$0.00
	Title Reports	0	@	$500.00	$0.00
	11 X 17 Reproduction	25	@	$0.10	$2.50
	Mounting Boards for Presentations	0	@	$100.00	$0.00
	Newsletters (Translation and printing)				
	Mailings (6x)				
C.	Other Direct Cost Subtotal:				$2,980.75
	Labor Subtotal A. =				$87,619.15
	Fee (12.0%):				$10,514.30
	Subconsultant Subtotal B. =				$69,100.00
	Fee (0.0%)				$0.00
	Other Direct Cost Subtotal: C. =				$2,980.75
	Fee (0.0%):				$0.00
	TOTAL =				**$170,214.20**

Note: Invoices will be **based upon actual QEI hourly rates** plus overhead at 179.4% plus prorated portion of fixed fee. Subconsultant and Other Direct Costs will be billed at actual cost.

Total not to Exceed= **$171,000.00**

Attachment: Quincy Eng. 14-013 40C0039 (RES-2022-22 : Approve a Fifth Amendment with Quincy Eng for Dogtown Bridge #39)

Mariposa County - Maxwell Creek Bridge

No.	TASKS	Principal in Charge	Project Manager - PM	Senior Engineer - PE	Senior Engineer - PE	Associate Engineer - DE	Associate Engineer - DE	Survey Manager	Assistant Engineer - DE
		BL	LS	GY	CD	SM	KP	JW	roa
	Initial Hourly Rate	$72.19	$63.19	$54.41	$61.05	$45.99	$46.76	$48.07	$38.(
	PHASE I - PROJECT MANAGEMENT & PRELIMINARY ENGR'G								
1	Project Management								
1.1	Kick-Off Meeting	4	6		4				
1.2	Project Management & Schedule	10	32	7	7				
1.3	QC/QA	1	2	1	1				
1.4	Highway Bridge Program Updates		4	8	8				
2	Topographic Survey & R/W Mapping								
2.1	Record Research & Record calculations		1					20	
2.2	R/W & Control Field Survey		1					20	
2.3	Legal Descriptions		1					14	
2.4	Topographic Survey & Cross Sections		2					36	
3	Geotechnical		2	4	2				
4	Hydraulics		2	2	4				
5	Preliminary Engineering								
5.1	Basis of Design	1	2	2	2	4	4		
5.2	Replacement Justification		8	16		24			
5.3	GADs and Bridge APS			4	4	8	60		
5.4	Type Selection Report		4	12		20			
5.5	30% Plans	1	2		8		40		
7	Environmental	2	8	2	2				
8									
8.1									
8.2									
8.3									
	Subtotal- Hours	19	77	58	42	56	104	90	
	Other Direct Costs								
	Total Cost	$1,372	$4,866	$3,156	$2,564	$2,575	$5,071	$4,326	

Attachment: Quincy Eng. 14-013 40C0039 (RES-2022-22 : Approve a Fifth Amendment with Quincy Eng for Dogtown Bridge #39)

Attachment: Quincy Eng 5th amd #39 Dogtown-Maxwell (RES-2022-22 : Approve a Fifth Amendment with Quincy Eng for Dogtown Bridge #39)

FIFTH AMENDMENT TO AGREEMENT FOR ENGINEERING AND DESIGN SERVICES FOR DOGTOWN OVER MAXWELL CREEK BRIDGE 40C0039

THIS FIFTH AMENDMENT TO AGREEMENT FOR ENGINEERING AND DESIGN SERVICES FOR DOGTOWN OVER MAXWELL CREEK BRIDGE #40C0039 is made and entered into this _____ day of _____, 2022, by and between the County of Mariposa, a political subdivision of the State of California, hereinafter referred to as "**County,**" and Quincy Engineering, hereinafter referred to as "**Contractor.**"

WHEREAS, **County** and **Contractor** have heretofore entered into an Agreement dated October 15, 2013, wherein **Contractor** agreed to provide engineering and design services; and

WHEREAS, **County** and **Contractor** entered into a First Amendment dated January 6, 2015 to extend the term of the Agreement to December 31, 2015.

WHEREAS, **County** and **Contractor** entered into a Second Amendment dated March 8, 2016 to extend the term of the Agreement to December 31, 2017.

WHEREAS, **County** and **Contractor** entered into a Third Amendment dated February 28, 2017 to extend the term of the Agreement to December 31, 2018, expand the scope of services, and increase compensation by Three Hundred Sixty-Four Thousand Dollars ($364,000) for a total not to exceed amount of Five Hundred Thirty-Five Thousand Dollars ($535,000).

WHEREAS, **County** and **Contractor** entered into a Fourth Amendment dated December 11, 2021 to extend the term of the Agreement.

WHEREAS, **County** and **Contractor** desire extend the term of the Agreement to December 31, 2024 and to change the hourly rates of compensation to **Contractor**.

NOW, THEREFORE, the parties hereto in consideration of the mutual covenants herein recited, hereby agree as follows:

1. Paragraph 1.01, "TERM", is hereby amended extend the term of the Agreement to December 31, 2024.

2. Paragraph 4.01, "COMPENSATION" is hereby amended to add reimbursement language as follows; that the Contractor agrees to be reimbursed for hours worked at the hourly rates specified in Exhibit A, "10-H2 Specific Rate of Compensation." The specified hourly rates shall include direct salary costs, employee benefits, prevailing wages, employer payments, overhead and fee. These rates are not adjustable for the performance period set forth in this agreement.

3. Except as herein amended, the agreement dated October 15, 2013 together with the First Amendment dated January 6, 2015, the Second Amendment dated March 8, 2016, the Third Amendment dated February 28, 2017 and the Fourth Amendment dated December 11, 2018 shall remain in full force and effect.

The Agreement, as hereby amended, is ratified, and continued. All provisions, terms, covenants, conditions, and promises contained in this Agreement not amended herein shall remain in full force and effect. This Amendment is effective retroactive to December 31, 2021. The parties shall treat the Agreement as if it had been in full force and effect continuously since December 31, 2021, without there having been any interruption of the Agreement whatsoever.

IN WITNESS WHEREOF, the parties have caused this Amendment to be executed on the date first above written.

COUNTY OF MARIPOSA:

Rosemarie Smallcombe, Chair
Mariposa County Board of Supervisors

CONTRACTOR:

Quincy Engineering

ATTEST:

RENE LAROCHE
Clerk of the Board

APPROVED AS TO FORM:

STEVEN W. DAHLEM
County Counsel

Attachment: Quincy Eng 5th amd #39 Dogtown-Maxwell (RES-2022-22 : Approve a Fifth Amendment with Quincy Eng for Dogtown Bridge #39)

MARIPOSA COUNTY

Public Works · 209-966-2498

RESOLUTION - ACTION REQUESTED 2022-23

MEETING: January 11, 2022

TO: The Board of Supervisors

FROM: Shannon Hansen, Interim Director of Public Works & Transportation

RE: Approve a First Amendment for Emergency Repair Work on White Rock Road

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RECOMMENDATION AND JUSTIFICATION:
Approve a First Amendment for Emergency Repair Work on White Rock Road with Palmer Tractor to Continue Temporary Plate Rental Which Will Increase Compensation by $9,884.00 for a Total Amount Not to Exceed $19,882.50; and Authorize the Interim Director of Public Works to Sign the Amendment

Due to the delay in the delivery of materials for the repair to White Rock box culvert the continued rental of the trench plates are necessary for public safety.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
On October 14, 2021, an inspection occurred on a 10 ft x 10 ft box culvert located on White Rock Road approximately 0.40 miles north of the bridge across Mariposa Creek. The inspection revealed that there was extreme deterioration of the reinforced concrete structure and exposed steel throughout the concrete structure. The culvert posed a clear and imminent danger, requiring immediate action to prevent the loss or impairment of life, health, property, or essential public services.

On November 2, 2021, pursuant to Resolution 2021-606, the Board authorized an agreement with Palmer Tractor for emergency repair work on the box culvert located on White Rock Road.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Do not approve, the road will be closed until necessary materials arrive to repair the bridge.

FINANCIAL IMPACT:
No financial impact

ATTACHMENTS:
Palmer Tractor 1st Amd - White Rock Rd Bridge (PDF)
Palmer Tractor - 22-020 Plates for White Rock Rd. (PDF)

REF ID# 12471

RESULT: **ADOPTED BY CONSENT VOTE [UNANIMOUS]**
MOVER: Wayne Forsythe, District IV Supervisor
SECONDER: Tom Sweeney, District II Supervisor
AYES: Smallcombe, Sweeney, Long, Forsythe, Menetrey

FIRST AMENDMENT TO AGREEMENT FOR RENTAL, MOBILIZATION AND DEMOBILIZATION OF TEMPORARY PLATES ON WHITE ROCK BRIDGE

THIS FIRST AMENDMENT TO AGREEMENT FOR RENTAL, MOBILIZATION AND DEMOBILIZATION OF TEMPORARY PLATES ON WHITE ROCK BRIDGE, is made and entered into this _____ day of _____2022, by and between the County of Mariposa, a political subdivision of the State of California, hereinafter referred to as **"County,"** and Palmer Tractor, hereinafter referred to as **"Contractor."**

WHEREAS, County and **Contractor** have heretofore entered into an Agreement dated October 19, 2021, wherein **Contractor** agreed to provide temporary repair of White Rock Bridge; and,

WHEREAS, County and **Contractor** desire to amend said Agreement to change the compensation to be provided to **Contractor**;

NOW THEREFORE, the parties hereto in consideration of the mutual covenants herein recited, hereby agree as follows:

1. Paragraph 3, "COMPENSATION," is hereby amended to provide that an additional Nine Thousand Eight Hundred Eighty-Four Dollars ($9,884.00) will be added to the original amount of Nine Thousand Nine Hundred Ninety-Eight Dollars 50/100 ($9,998.50), making the total compensation paid to **Contractor** not to exceed amount of Nineteen Thousand Eight Hundred Eighty-Two Dollars 50/100 ($19,882.50).

2. Paragraph 4: Except as herein amended, the Agreement dated October 19, 2021, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused this Amendment to be executed on the date first above written.

COUNTY OF MARIPOSA

_____
Shannon Hansen, Interim Director
Public Works & Transportation

CONTRACTOR

_____
Palmer Tractor

APPROVED AS TO LEGAL FORM:

_____
Steven W. Dahlem
County Counsel

Attachment: Palmer Tractor 1st Amd - White Rock Rd Bridge (RES-2022-23 : Approve a First Amendment for Emergency Repair Work on White

Palmer Tractor

P.O. Box 31
Catheys Valley, Ca. 95306
General Engineering Contractor

Proposal

Proposal D...	Proposal #:
12/21/2021	202-280

Bill To:
Mariposa County Public Works 4639 Ben Hur Road Mariposa, Ca. 95338

Project:	Job
White Rock Rd. Box...	Amendment 1

Item	Description	Est. Hours/Qty.	Rate	Total
	As a Temporary solution to allow Traffic to continue use of White Rock rd Trench Plates May be installed as a roadway Surface until Material can be sourced and work can Start. Trench Plates May be installed as early as 10-19-2021, and will need to remain in place until all work is finished. Billing will be sent once every month, or once a single line item is completed. Whichever is sooner			
Bid Price	Weekly plate rental - not to exceed 8 weeks - (2) 8' x 16' x 1.5" Trench Plates - Rated for HS-20-44 Truck Loading (32,000 LBS axle)	8	1,085.50	8,684.00
Bid Price	Demobilization of Plates	1	1,200.00	1,200.00
	Valid from 12-14-2021 Thru 2-7-2022			
	Exclusions: Cones, Signage, Barricades			

Thank you for your business.

Total $9,884.00

SIGNATURE _____

Phone:	Fax:	E-mail
(209) 374-3470	(209) 374-3370	sapalmer@tds.net

Attachment: Palmer Tractor 1st Amd - White Rock Rd Bridge (RES-2022-23 : Approve a First Amendment for Emergency Repair Work on White

22-020

AGREEMENT FOR EMERGENCY MOBILIZATION, RENTAL AND DEMOBILIZATION OF PLATES ON WHITE ROCK ROAD BRIDGE

THIS AGREEMENT ("Agreement") is made and entered into this 19th day of October, 2021, by and between the County of Mariposa, a political subdivision of the State of California, ("County"), and Palmer Tractor ("Contractor"), pursuant to the following terms and conditions.

W I T N E S S E T H:

1. TERM

The term of this Agreement shall commence on the date first hereinabove written and shall continue until all authorized work is approved by County or June 30, 2022, whichever is earlier.

2. SERVICES

Contractor shall perform emergency mobilization, rental and demobilization of plates on White Rock Road Bridge as described in Exhibit A, "Scope of Work," which is attached hereto and incorporated herein by reference. Contractor shall provide all staffing and materials necessary to perform the Scope of Work.

3. COMPENSATION

Contractor shall be compensated for services performed in an amount not to exceed $9,998.50 Contractor's rates are listed in Exhibit B, "Cost Proposal" County shall pay Contractor within thirty (30) of receipt of an approved invoice.

4. INSURANCE

Contractor shall procure and maintain for the duration of this Agreement insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by Contractor, its agents, representatives, or employees.

A. MINIMUM SCOPE AND LIMIT OF INSURANCE

Coverage shall be at least as broad as:

(1) Commercial General Liability (CGL): Insurance Services Office (ISO) Form CG 00 01 covering CGL on an "occurrence" basis, including products and completed operations, property damage, bodily injury and personal and advertising injury with limits no less than

Attachment: Palmer Tractor - 22-020 Plates for White Rock Rd. (RES-2022-23 : Approve a First Amendment for Emergency Repair Work on

$1,000,000 per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location (ISO CG 25 03 or 25 04) or the general aggregate limit shall be twice the required occurrence limit.

(2) Automobile Liability: ISO Form Number CA 00 01 covering any auto (Code 1), or if Contractor has no owned autos, hired (Code 8) and non-owned autos (Code 9), with limits no less than $1,000,000 per accident for bodily injury and property damage.

(3) Workers' Compensation insurance as required by the State of California, with Statutory Limits, and Employer's Liability Insurance with a limit of no less than $1,000,000 per accident for bodily injury or disease.

If Contractor maintains broader coverage and/or higher limits than the minimums shown above, County requires and shall be entitled to the broader coverage and/or higher limits maintained by Contractor. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to County.

B. OTHER INSURANCE PROVISIONS

The insurance policies are to contain, or be endorsed to contain, the following provisions:

(1) Additional Insured Status: County, its officers, officials, employees, and volunteers are to be covered as additional insureds on the CGL policy with respect to liability arising out of work or operations performed by or on behalf of Contractor including materials, parts, or equipment furnished in connection with such work or operations. General liability coverage can be provided in the form of an endorsement to Contractor's insurance (at least as broad as ISO Form CG 20 10 11 85 or if not available, through the addition of both CG 20 10 and CG 20 37 forms if a later edition is used).

(2) Primary Coverage: For any claims related to this Agreement, Contractor's insurance coverage shall be primary insurance as respects County, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by County, its officers, officials, employees, or volunteers shall be excess of Contractor's insurance and shall not contribute with it.

(3) Notice of Cancellation: Each insurance policy required above shall state that coverage shall not be canceled, except with at least thirty (30) calendar days' notice to County.

(4) Waiver of Subrogation: Contractor hereby grants to County a waiver of any right to subrogation which any insurer of said Contractor may acquire against County by virtue of the payment of any loss under such insurance. Contractor agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation, but this provision applies regardless of whether or not County has received a waiver of subrogation endorsement from the insurer.

(5) Deductibles and Self-Insured Retentions: Any deductibles or self-insured retentions must be declared to and approved by County. County may require Contractor to

Attachment: Palmer Tractor - 22-020 Plates for White Rock Rd. (RES-2022-23 : Approve a First Amendment for Emergency Repair Work on

purchase coverage with a lower deductible or retention or provide proof of ability to pay losses and related investigations, claim administration, and defense expenses within the retention.

(6) Acceptability of Insurers: Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A: VII, unless otherwise acceptable to County.

(7) Verification of Coverage: Contractor shall furnish County with original certificates and amendatory endorsements or copies of the applicable policy language effecting coverage required by this clause. All certificates and endorsements are to be received and approved by County before work commences. However, failure to obtain the required documents prior to the work beginning shall not waive Contractor's obligation to provide them. County reserves the right to require complete, certified copies of all required insurance policies, including endorsements required by these specifications, at any time.

(8) Subcontractors: Contractor shall require and verify that all subcontractors maintain insurance meeting all the requirements stated herein, and Contractor shall ensure that County is an additional insured on insurance required from subcontractors.

(9) Special Risks or Circumstances: County reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other special circumstances.

5. HOLD HARMLESS/INDEMNIFICATION

To the fullest extent permitted by law, Contractor shall hold harmless, defend at its own expense, and indemnify County, its officers, employees, agents, and volunteers, against any and all liability, claims, losses, damages, or expenses, including reasonable attorney's fees, arising from all acts or omissions of Contractor or its officers, agents, or employees in rendering services under this Agreement; excluding however such liability, claims, losses, damages, or expenses arising from County's sole negligence or willful acts.

6. INDEPENDENT CONTRACTOR

It is the expressed intention of the parties that Contractor is an independent contractor and not an employee, agent, joint venturer or partner of County. Nothing in this Agreement shall be interpreted or construed as creating or establishing the relationship of employer and employee between County and Contractor or any employee or agent of Contractor. Both parties acknowledge that Contractor is not an employee for state or federal tax purposes. Contractor shall retain the right to perform services for others during the term of this Agreement.

7. PUBLIC EMPLOYEES RETIREMENT SYSTEM (CALPERS)

In the event that Contractor or any employee, agent, or subcontractor of Contractor providing services under this Agreement is determined by a court of competent jurisdiction or the Public Employees Retirement System (CalPERS) to be eligible for enrollment in CalPERS as an employee of County, Contractor shall indemnify, defend, and hold harmless County for the payment of any employee and/or employer contributions for CalPERS benefits on behalf of

Attachment: Palmer Tractor - 22-020 Plates for White Rock Rd. (RES-2022-23 : Approve a First Amendment for Emergency Repair Work on

Contractor or its employees, agents, or subcontractors, as well as for the payment of any penalties and interest on such contributions, which would otherwise be the responsibility of County.

8. STATE AND FEDERAL TAXES

As Contractor is not County's employee, Contractor is responsible for paying all required state and federal taxes. In particular:

a. County will not withhold FICA (Social Security) from Contractor's payments;
b. County will not make state or federal unemployment insurance contributions on behalf of Contractor;
c. County will not withhold state or federal income tax from payment to Contractor;
d. County will not make disability insurance contributions on behalf of Contractor;
e. County will not obtain workers' compensation insurance on behalf of Contractor.

9. AUDITS AND INSPECTIONS

Contractor shall at any time during business hours, and as often as County may deem necessary, make available to County for examination all of its records and data with respect to the matters covered by this Agreement. Contractor shall, upon the request of County, permit County to audit and inspect all of such records and data necessary to ensure Contractor's compliance with the terms of this Agreement. If compensation to be paid by County under this Agreement exceeds Ten Thousand Dollars ($10,000), Contractor shall be subject to the examination and audit of the California State Auditor, as provided in Government Code section 8546.7, for a period of three (3) years after final payment under this Agreement. This section survives the termination of this Agreement.

10. ASSIGNMENT

It is understood and agreed that this Agreement contemplates personal performance by Contractor and is based upon a determination of its unique personal competence and experience and upon its specialized personal knowledge. Assignments of any or all rights, duties or obligations of Contractor under this Agreement will be permitted only with the express written consent of County.

11. NOTICE

Any and all notices, reports or other communications to be given to County or Contractor shall be given to the persons representing the respective parties at the following addresses:

CONTRACTOR:
Palmer Tractor
2807 Trower Rd.
Catheys Valley, CA 95306
209.374.3470

COUNTY:
Mariposa County
4639 Ben Hur Rd.
Mariposa, CA 95338
209.966.5356

Attachment: Palmer Tractor - 22-020 Plates for White Rock Rd. (RES-2022-23 : Approve a First Amendment for Emergency Repair Work on

12. COMPLIANCE

Contractor shall comply with all federal, state and local laws, codes, ordinances and regulations applicable to Contractor's performance under this Agreement, including, but not limited to, laws related to prevailing wages. Specifically, Contractor shall not engage in unlawful employment discrimination, including, but not limited to, discrimination based upon a person's race, religion, color, national origin, ancestry, physical handicap, medical condition, marital status, gender, citizenship or sexual orientation, as prohibited by state or federal law.

13. PUBLIC RECORDS ACT

Contractor is aware that this Agreement and any documents provided to County may be subject to the California Public Records Act and may be disclosed to members of the public upon request. It is the responsibility of Contractor to clearly identify information in those documents that it considers to be confidential under the California Public Records Act. To the extent that County agrees with that designation, such information will be held in confidence whenever possible. All other information will be considered public.

14. ENTIRE AGREEMENT AND MODIFICATION

This Agreement contains the entire agreement of the parties relating to the subject matter of this Agreement and supersedes all prior agreements and representations with respect to the subject matter hereof. This Agreement may only be modified by a written amendment hereto, executed by both parties. If there are exhibits attached hereto, and a conflict exists between the terms of this Agreement and any exhibit, the terms of this Agreement shall control.

15. ENFORCEABILITY AND SEVERABILITY

The invalidity or enforceability of any term or provisions of this Agreement shall not, unless otherwise specified, affect the validity or enforceability of any other term or provision, which shall remain in full force and effect.

16. TERMINATION AND RIGHTS UPON TERMINATION

A. This Agreement may be terminated upon mutual written consent of the parties, or as a remedy available at law or in equity. In the event of the termination of this Agreement, Contractor shall be entitled to compensation for services performed acceptably up to the effective date of termination as set forth in Exhibit B.

B. Either party may terminate this Agreement for convenience upon Thirty (30) calendar days' written notice to the other party. Upon termination for convenience, Contractor shall be entitled to compensation for services performed acceptably up to the effective date of termination, as set forth in Exhibit B.

C. Should Contractor default in the performance of this Agreement or materially breach any of its provisions, County, at its option, may terminate this Agreement by giving

Attachment: Palmer Tractor - 22-020 Plates for White Rock Rd. (RES-2022-23 : Approve a First Amendment for Emergency Repair Work on

written notification to Contractor. The termination date shall be the effective date of the notice. For the purposes of this subsection, default or material breach of this Agreement shall include, but not be limited to, any of the following: failure to perform required services in a timely manner, willful destruction of County property, dishonesty, or theft.

17. NO WAIVER

The failure to exercise any right to enforce any remedy contained in this Agreement shall not operate as to be construed to be a waiver or relinquishment of the exercise of such right or remedy, or of any other right or remedy herein contained.

18. DISPUTES

Should it become necessary for a party to this Agreement to bring an action in connection with this Agreement, the prevailing party in any such action shall be entitled to reimbursement for all expenses so incurred, including reasonable attorney's fees.

It is agreed by the parties hereto that unless otherwise expressly waived by them, any action brought to enforce any of the provisions hereof or for declaratory relief hereunder shall be filed and remain in a court of competent jurisdiction in the County of Mariposa, State of California.

19. CAPTIONS

The captions of this Agreement are for convenience and reference only and the words contained therein shall in no way be held to explain, modify, amplify or aid in the interpretation, construction or meaning of the provisions of this Agreement.

20. NUMBER AND GENDER

In this Agreement, the neutral gender includes the feminine and masculine, the singular includes the plural, and the word "person" includes corporations, partnerships, firms or associations, wherever the context so requires.

21. MANDATORY AND PERMISSIVE

"Shall" is mandatory. "May" is permissive.

22. SUCCESSORS AND ASSIGNS

All representations, covenants and warranties specifically set forth in this Agreement, by or on behalf of, or for the benefit of any or all of the parties hereto, shall be binding upon and inure to the benefit of such party, its successors and assigns.

23. COUNTERPARTS/ELECTRONIC, FACSIMILE, AND PDF SIGNATURES

This agreement may be executed in any number of counterparts, each of which will be an original, but all of which together will constitute one instrument. Each Party of this agreement agrees to the use of electronic signatures, such as digital signatures that meet the requirements of

Attachment: Palmer Tractor - 22-020 Plates for White Rock Rd. (RES-2022-23 : Approve a First Amendment for Emergency Repair Work on

the California Uniform Electronic Transactions Act ("CUETA"), Cal. Civ. Code §§ 1633.1 to 1633.17), for executing this Agreement. The parties further agree that the electronic signatures of the parties included in this Agreement are intended to authenticate this writing and to have the same force and effect as manual signatures. Electronic signature means an electronic sound, symbol, or process attached to or logically associated with an electronic record and executed or adopted by a person with the intent to sign the electronic record pursuant to the CUETA, as amended from time to time. The CUETA authorizes use of an electronic signature for transactions and contracts among parties in California, including a government agency. Digital signature means an electronic identifier, created by computer, intended by the party using it to have the same force and effect as the use of a manual signature, and shall be reasonably relied upon by the parties. For purposes of this section, a digital signature is a type of "electronic signature" as defined in subdivision (i) of Section 1633.2 of the Civil Code. Facsimile signatures or signatures transmitted via pdf document shall be treated as originals for all purposes.

24. OTHER DOCUMENTS

The parties agree that they shall cooperate in good faith to accomplish the object of this Agreement and, to that end, agree to execute and deliver such other and further instruments and documents as may be necessary and convenient to the fulfillment of these purposes.

25. CONTROLLING LAW

The validity, interpretation and performance of this Agreement shall be controlled by and construed under the laws of the State of California.

26. AUTHORITY

Each party and each party's signatory warrant and represent that each has full authority and capacity to enter into this Agreement in accordance with all requirements of law. The parties also warrant that any signed amendment or modification to this Agreement shall comply with all requirements of law, including capacity and authority to amend or modify this Agreement.

27. NEGOTIATED AGREEMENT

This Agreement has been arrived at through negotiation between the parties. Neither party is to be deemed the party which prepared this Agreement within the meaning of California Civil Code section 1654. Each party represents and warrants that in executing this Agreement it does so with full knowledge of the rights and duties it may have with respect to the other party. Each party also warrants and represents that it has received independent legal advice from its attorney with respect to the matters set forth in this Agreement and the rights and duties arising out of this Agreement, or that such party willingly foregoes any such consultation.

28. NO RELIANCE ON REPRESENTATIONS

Each party warrants and represents that it is not relying and has not relied upon any representation or statement made by the other party with respect to the facts involved or its rights or duties. Each party understands and agrees that the facts relevant, or believed to be relevant to

Attachment: Palmer Tractor - 22-020 Plates for White Rock Rd. (RES-2022-23 : Approve a First Amendment for Emergency Repair Work on

this Agreement, have been independently verified. Each party further understands that it is responsible for verifying the representations of law or fact provided by the other party.

29. WARRANTY

County has relied upon the professional ability and training of Contractor as a material inducement to enter into this Agreement. Contractor hereby warrants that all work shall be performed in accordance with generally accepted professional practices and standards as well as the requirements of applicable federal, state and local laws, it being understood that acceptance of Contractor's work by County shall not operate as a waiver or release.

30. FUNDING AVAILABILITY

It is mutually agreed that if the County budget of the current fiscal year and/or any subsequent fiscal year covered under this Agreement does not appropriate sufficient funds for this Agreement, this Agreement shall terminate and be of no further force and effect upon the day notice is provided by County to Contractor of such event. Upon termination of this Agreement, County shall have no liability to pay any funds whatsoever to Contractor or to furnish any other considerations under this Agreement except for services rendered prior to such termination and Contractor shall not be obligated to perform any provisions of this Agreement. Contractor's assumption of risk of possible non-appropriation is part of the consideration for this Agreement. County budget decisions are subject to the discretion of the Board of Supervisors.

If funding for any fiscal year is reduced or deleted by the County budget for purposes of this Agreement, the County shall have the option to either cancel this Agreement with no liability occurring to the County, except County must reimburse Contractor for services rendered prior to such reduction or modification of the County budget, or offer an amendment to this Agreement to Contractor to reflect the reduced amount.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first written above.

Funding Source:

COUNTY OF MARIPOSA

Shannon C Hansen
ZorroSign

Shannon Hansen, Interim Director
Public Works & Transportation

CONTRACTOR

James Palmer AGENT

Palmer Tractor

APPROVED AS TO LEGAL FORM:

5DA86426D77
Steven W. Dahlem
ZorroSign

Steven W. Dahlem
County Counsel

Attachment: Palmer Tractor - 22-020 Plates for White Rock Rd. (RES-2022-23 : Approve a First Amendment for Emergency Repair Work on

EXHIBIT "A"

Palmer Tractor

P.O. Box 31
Catheys Valley, Ca. 95306
General Engineering Contractor

Proposal

Proposal D...	Proposal #:
10/18/2021	202-278

Bill To:
Mariposa County Public Works 4639 Ben Hur Road Mariposa, Ca 95338

Project:	Job
White Rock Rd. Box...	White Rock Rd.

Item	Description	Est. Hours/Qty.	Rate	Total
	As a Temporary solution to allow Traffic to continue use of White Rock rd Trench Plates May be installed as a roadway Surface until Material can be sourced and work can Start. Trench Plates May be installed as early as 10-19-2021. and will need to remain in place until all work is finished Billing will be sent once every month, or once a single line item is completed. Whichever is sooner			
Bid Price	Mobilization of Trench Plates	1	1,200.00	1,200.00
Bid Price	Weekly plate rental - not to exceed 7 weeks - (2) 8' x 16' x 1.5" Trench Plates - Rated for HS-20-44 Truck Loading (32,000 LBS axle)	7	1,085.50	7,598.50
Bid Price	Demobilization of plates	1	1,200.00	1,200.00
	Exclusions: Cones, Signage, Barricades			

Thank you for your business.

Total $9,998.50

SIGNATURE _____

Phone:	Fax:	E-mail
(209) 374-3470	(209) 374-3370	sapalmer@tds.net

Attachment: Palmer Tractor - 22-020 Plates for White Rock Rd. (RES-2022-23 : Approve a First Amendment for Emergency Repair Work on

EXHIBIT "B"

Department of Public Works
4639 Ben Hur road
Mariposa, CA 95338

PALMER TRACTOR RATES:

	Hourly	OT	Double/Holiday
Backhoe:	$205.00	$234.47	$263.94
Excavator:	$270.49	$299.97	$329.44
Lowbed:	$190.54	$222.37	$255.37
Labor:	$113.00	$132.91	$152.81
D-6	$270.49	$299.97	$329.44
D-7	$275.49	$304.97	$334.44

Rental Equipment and job materials will be billed at Cost plus 15%.

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CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 10/19/2021

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
Leap/Carpenter/Kemps Insurance Agency
3187 Collins Dr.
Merced CA 95348

CONTACT NAME: Susan Cozzitorto-Ormonde
PHONE (A/C, No, Ext): 209-386-5071 **FAX (A/C, No):** 209-385-6130
E-MAIL ADDRESS: scozzitorto@lckinsurance.com

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : Financial Pacific Ins. Co	31453
INSURER B : Insurance Co. of the West	27847
INSURER C :	
INSURER D :	
INSURER E :	
INSURER F :	

INSURED PALME-3
Palmer Tractor Inc.
P.O. Box 31
Catheys Valley CA 95306

COVERAGES **CERTIFICATE NUMBER:** 1734241671 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	[X] COMMERCIAL GENERAL LIABILITY	Y		60426122	4/22/2021	4/22/2022	EACH OCCURRENCE	$ 1,000,000
	[ ] CLAIMS-MADE [X] OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence)	$ 100,000
							MED EXP (Any one person)	$ 5,000
							PERSONAL & ADV INJURY	$ 1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE	$ 2,000,000
	[ ] POLICY [ ] PRO-JECT [ ] LOC						PRODUCTS - COMP/OP AGG	$ 2,000,000
	OTHER:							$
A	AUTOMOBILE LIABILITY			60426122	4/22/2021	4/22/2022	COMBINED SINGLE LIMIT (Ea accident)	$ 1,000,000
	[ ] ANY AUTO						BODILY INJURY (Per person)	$
	[ ] OWNED AUTOS ONLY [X] SCHEDULED AUTOS						BODILY INJURY (Per accident)	$
	[X] HIRED AUTOS ONLY [X] NON-OWNED AUTOS ONLY						PROPERTY DAMAGE (Per accident)	$
								$
	[ ] UMBRELLA LIAB [ ] OCCUR						EACH OCCURRENCE	$
	[ ] EXCESS LIAB [ ] CLAIMS-MADE						AGGREGATE	$
	[ ] DED RETENTION $							$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY Y / N			WSA504863602	6/1/2021	6/1/2022	[X] PER STATUTE [ ] OTH-ER	
	ANYPROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? [ ] N/A (Mandatory in NH)						E.L. EACH ACCIDENT	$ 1,000,000
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE	$ 1,000,000
							E.L. DISEASE - POLICY LIMIT	$ 1,000,000
A	Motor Truck Cargo Owned/Non Owned			60426122	4/22/2021	4/22/2022	Any one vehicle Catastrophe Limit Deductible	200,000 600,000 500

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Rented Leased Borrowed Equipment - Limit $150,000 / Deductible: $500
Mariposa County is included as additional insured per written contract in respects to general liability.

CERTIFICATE HOLDER
Mariposa County
4639 Ben Hur Road
Mariposa CA 95338

CANCELLATION
SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE
Susan Cozzitorto-Ormonde

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POLICY NUMBER: 60426122 CG 20 10R 12 11

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED – OWNERS, LESSEES OR CONTRACTORS (WITH LIMITED COMPLETED OPERATIONS COVERAGE)

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART
BUSINESSOWNERS COVERAGE FORM

SCHEDULE

NAME OF PERSON OR ORGANIZATION

Any person or organization to whom or to which the named insured is obligated by a virtue of a written contract to provide insurance that is afforded by this policy. Where required by contract, the officers, officials, employees, directors, subsidiaries, partners, successors, parents, divisions, architects, surveyors and engineers are included as additional insureds. All other entities, including but not limited to agents, volunteers, servants, members and partnerships are included as additional insureds, if required by contract, only when acting within the course and scope of their duties controlled and supervised by the primary (first) additional insured. If an Owner Controlled Insurance Program is involved, the coverage applies to off-site operations only. If the purpose of this endorsement is for bid purposes only, then no coverage applies.

WHO IS AN INSURED: (Section II)

This section is amended to include as an insured the person or organization within the scope of the qualifying language above, but only to the extent that the person or organization is held liable for your acts or omissions in the course of "your work" for that person or organization by or for you. The "products-completed operations hazard" portion of the policy coverage as respects the additional insured does not apply to any work involving or related to properties intended for residential or habitational occupancy (other than apartments). This clause does not affect the "products-completed operations" coverage provided to the named insured(s).

WAIVER OF SUBROGATION:

We waive any right of recovery, when required by written contract, that we may have against the person or organization within the scope of the qualifying language above because of payments we make for injury.

LOCATION OF JOB:

The job location must be within the State of domicile of the named insured, or within any contiguous State thereto.

DESCRIPTION OF WORK:

The type of work performed must be that as described under classifications in the CGL Coverage Part Declarations.

PRIMARY CLAUSE:

When this endorsement applies and when required by written contract, such insurance as is afforded by the general liability policy is primary insurance and other insurance shall be excess and shall not contribute to the insurance afforded by this endorsement.

EXCLUSION

This insurance provided to the additional insured does not apply to "bodily injury", "property damage" or "personal and advertising injury" arising out of an architect's, engineer's or surveyor's rendering or failure to render any professional services, including:

1. The preparing, approving, or failing to prepare or approve, maps, designs, shop drawings, opinions, reports, surveys, field orders, change orders, or drawings and specifications; and
2. Supervisory, inspection, architectural or engineering activities.

Endorsement EFFECTIVE DATE: SEE DEC

Endorsement EXPIRATION DATE: SEE DEC

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COMMERCIAL AUTO
CA 71 09 01 17

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

BUSINESS AUTO ULTRA ENDORSEMENT

This endorsement modifies insurance provided under the following:
BUSINESS AUTO COVERAGE FORM
COMMON POLICY CONDITIONS

COVERAGE INDEX

DESCRIPTION	PAGE
Temporary Substitute Auto Physical Damage	2
Broad Form Insured	2
Employee as Insureds	2
Additional Insured Status by Contract, Agreement or Permit	2
Bail Bond Coverage	3
Loss of Earnings Coverage	3
Amended Fellow Employee Coverage	3
Towing and Labor	3
Physical Damage Additional Transportation Expense Coverage	3
Extra Expense - Theft	3
Rental Reimbursement and Additional Transportation Expense	4
Personal Effects Coverage	4
Personal Property of Others	4
Locksmith Coverage	4
Vehicle Wrap Coverage	5
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The COVERAGE INDEX set forth above is informational only and grants no coverage.
Terms set forth in ***(Bold Italics)*** are likewise for information only and by themselves shall be deemed to grant no coverage.

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(Temporary Substitute Auto Physical Damage)

A. TEMPORARY SUBSTITUTE AUTO PHYSICAL DAMAGE

SECTION I – COVERED AUTOS, paragraph C. Certain Trailers, Mobile Equipment and Temporary Substitute Autos is amended by adding the following at the end of the existing language:

If Physical Damage Coverage is provided under this Coverage form for an "auto" you own, the Physical Damage coverages provided for that owned "auto" are extended to any "auto" you do not own while used with the permission of its owner as a temporary substitute for the covered "auto" you own that is out of service because of its breakdown, repair, servicing, "loss", or destruction

B. BROADENED LIABILITY COVERAGES

SECTION II – LIABILITY COVERAGE in Paragraph **A. Coverage** at **1. Who Is An Insured** is amended to include the following:

(Broad Form Insured)

d. Any legally incorporated subsidiary in which you own more than 50% of the voting stock on the effective date of the Coverage Form. However, the Named Insured does not include any subsidiary that is an "insured" under any other automobile policy or would be an "insured" under such a policy but for its termination or the exhaustion of its Limit of Insurance.

e. Any organization that is acquired or formed by you, during the term of this policy and over which you maintain majority ownership. However, the Named Insured does not include any newly formed or acquired organization:

(1) That is a joint venture or partnership,

(2) That is an "insured" under any other policy,

(3) That has exhausted its Limits of Insurance under any other policy, or

(4) 180 days or more after its acquisition or formation by you, unless you have given us notice of the acquisition or formation

Coverage does not apply to "bodily injury" or "property damage" that results from an accident that occurred before you formed or acquired the organization.

(Employee as Insureds)

f. Any employee of yours while acting in the course of your business or your personal affairs while using a covered "auto" you do not own, hire or borrow.

(Additional Insured Status by Contract, Agreement or Permit)

g. Any person or organization whom you are required to add as an additional insured on this policy under a written contract or agreement; but the written contract or agreement must be:

(1) Currently in effect or becoming effective during the term of this policy; and

(2) Executed prior to the "bodily injury" or "property damage."

The additional insured status will apply only with respect to your liability for "bodily injury" or "property damage" which may be imputed to that person(s) or organization(s) directly arising out of the ownership, maintenance or use of the covered "autos" at the location(s) designated, if any.

Coverage provided by this endorsement will not exceed the limits of liability required by the written contract or written agreement even if the limits of liability stated in the policy exceed those limits. This endorsement shall not increase the limits stated in **Section II. C. Limits of Insurance.**

For any covered "auto" you own this Coverage Form provides primary coverage.

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C. BROADENED SUPPLEMENTARY PAYMENTS

SECTION II. LIABILITY A. Coverage 2. Coverage Extensions a. Supplementary Payments (2) and **(4)** are replaced by the following:

(Bail Bond Coverage)

(2) Up to $5,000 for cost of bail bonds (including bonds for related traffic violations) required because of an "accident" we cover. We do not have to furnish these bonds.

(Loss of Earnings Coverage)

(4) All reasonable expenses incurred by the "insured" at our request, including actual loss of earning up to $500 a day because of time off from work.

(Amended Fellow Employee Exclusion)

D. AMENDED FELLOW EMPLOYEE EXCLUSION

Only with respect to your "employees" who occupy positions which are supervisory in nature, **SECTION II. LIABILITY B. Exclusion 5. Fellow Employee** is replaced by:

5. Fellow Employee

"Bodily Injury":

a. To you, or your partners or members (if you are a partnership or joint venture), or to your members (if you are a limited liability company);

b. To your "executive officers" and directors (if you are an organization other than a partnership, joint venture, or limited liability company) but only with respect to performance of their duties as your officers or directors;

c. For which there is an obligation to share damages with or repay someone else who must pay damages because of the injury described in paragraph a and b above; or

d. Arising out of his or her providing or failing to provide professional health care services.

For purposes of this endorsement, a position is deemed to be supervisory in nature if that person performs principle work which is substantially different from that of his or her subordinates and has authority to hire, transfer, direct, discipline or discharge.

E. BROADENED PHYSICAL DAMAGE COVERAGES

SECTION III – PHYSICAL DAMAGE COVERAGE A. Coverage is amended as follows:

(Towing and Labor)

2. Towing is deleted and replaced with the following:

2. Towing and Labor

We will pay towing and labor costs incurred, up to the limits shown below, each time a covered "auto" is disabled:

a. For private passenger type vehicles we will pay up to $100 per disablement.

b. For all other covered "auto's" we will pay up to $500 per disablement

However, the labor must be performed at the place of disablement.

(Physical Damage Additional Transportation Expense Coverage)

4. Coverage Extensions

a. Transportation Expenses is amended to provide the following limits:

We will pay up to $60 per day to a maximum of $1,800. All other terms and provisions of this section remain applicable.

The following language is added to **4. Coverage Extensions:**

(Extra Expense – Theft)

c. Theft Recovery Expense

If you have purchased Comprehensive Coverage on an "auto" that is stolen, we will pay the expense of returning that stolen auto to you. The limit for this coverage extension is $5,000.

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(Rental Reimbursement and Additional Transportation Expense)

d. Rental Reimbursement

We will provide Rental Reimbursement and Additional Expense coverage only for those Physical Damage coverages for which a premium is shown in the Declarations or schedule pages. Coverage applies only to a covered "auto".

(1) We will pay for auto rental expense and the expense incurred by you because of "loss" to remove and transfer your materials and equipment from a covered "auto" to a covered "auto." Payment applies in addition to the otherwise applicable coverage you have on a covered "auto." No deductible applies to this coverage.

(2) We will pay only for expenses incurred during the policy period and beginning 24 hours after the "loss" and ending, regardless of the policy's expiration, with the lesser of the following number of days:

(a) The number of days reasonably required to repair or replace the covered "auto." If "loss" is caused by theft, this number of days is added to the number of days it takes to locate the covered "auto" and return it to you, or

(b) 30 days.

(3) Our payment is limited to the lesser of the following amounts:

(a) Necessary and actual expenses incurred; or

(b) $75 per day.

(c) This coverage does not apply while there are spare or reserve "autos" available to you for your operations.

(d) If "loss" results from the total theft of a covered "auto" of the private passenger or light truck type, we will pay under this coverage only that amount of your rental reimbursement expense which is not already provided for under the **SECTION III – PHYSICAL DAMAGE COVERAGE, A. Coverage, 4. Coverage Extensions, a. Transportation Expenses.**

(Personal Effects Coverage)

e. Personal Effects

If you have purchased Comprehensive Coverage on this policy for an "auto" you own and that "auto" is stolen, we will pay, without application of a deductible, up to $500 for Personal Effects stolen with the "auto". The insurance provided under this provision is excess over any other collectible insurance. For this coverage extension, Personal Effects means tangible property that is worn or carried by an "insured".

(Personal Property of Others)

f. Personal Property of Others

We will pay up to $500 for loss to personal property of others in or on your covered "auto." This coverage applies only in the event of "loss" to your covered "auto" caused by fire, lightning, explosion, theft, mischief or vandalism, the covered "auto's" collision with another object, or the covered "auto's" overturn. No deductibles apply to this coverage.

(Locksmith Coverage)

g. Locksmith Coverage

We will pay up to $250 per occurrence for necessary locksmith services for keys locked inside a covered private passenger "auto". The deductible is waived for these services.

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(Vehicle Wrap Coverage)

h. Vehicle Wrap Coverage

If you have Comprehensive or Collision coverage on an "auto" that is a total loss, in addition to the actual cash value of the "auto", we will pay up to $1,000 for vinyl vehicle wraps which are displayed on the covered "auto" at the time of total loss. Regardless of the number of autos deemed a total loss, the most we will pay under this Vehicle Wrap Coverage for any one "loss" is $5,000. For purposes of this coverage provision, signs or other graphics painted or magnetically affixed to the vehicle are not considered vehicle wraps.

(Airbag Accidental Discharge)

F. SECTION III – PHYSICAL DAMAGE COVERAGE, B. Exclusions is amended at **3.** to include the following language:

If you have purchased Comprehensive or Collision Coverage under this policy, this exclusion does not apply to mechanical breakdown relating to the accidental discharge of an air bag. This coverage applies only to a covered auto you own and is excess of any other collectible insurance or warranty. No deductible applies to this coverage.

G. BROADENED LIMITS OF INSURANCE

(Audio, Visual and Data Electronic Equipment Coverage)

SECTION III – PHYSICAL DAMAGE COVERAGE – C. Limit of Insurance at **1.b.** is amended to provide the following limits:

b. Limits of $1,000 per "loss" is increased to $5,000 per "loss". All other terms and provisions of this section remain applicable.

(Auto Loan/Lease Total Loss Protection)

SECTION III – PHYSICAL DAMAGE COVERAGE – C. Limit of Insurance is amended by adding the following language:

4. In the event of a total "loss" to a covered "auto" shown in the Schedule pages, subject at the time of the "loss" to a loan or lease, we will pay any unpaid amount due including up to a maximum of $500 for early termination fees or penalties on the lease or loan for a covered"auto" less:

a. The amount paid under the Physical Damage Coverage Section of the policy; and

b. Any:

(1) Overdue lease / loan payments at the time of the "loss";

(2) Financial penalties imposed under a lease for excessive use, abnormal wear and tear or high mileage;

(3) Security deposits not returned by the lessor;

(4) Costs for extended warranties, Credit Life Insurance, Health, Accident or Disability Insurance purchased with the loan or lease; and

(5) Carry-over balances from previous loans or leases.

(Glass Repair – Deductible Amendment)

H. GLASS REPAIR – DEDUCTIBLE

SECTION III – PHYSICAL DAMAGE COVERAGE – D. Deductible is amended by adding the following:

Any deductible shown in the Declarations as applicable to the covered "auto" will not apply to glass breakage if the damaged glass is repaired, rather than replaced.

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(Amended Duties in the Event of Accident, Claim, Suit or Loss)

I. AMENDED DUTIES IN THE EVENT OF ACCIDENT, CLAIM, SUIT OR LOSS

Under **SECTION IV – BUSINESS AUTO CONDITIONS, A. Loss Conditions**, the following is added to paragraph **2. Duties In The Event of Accident, Suit or Loss:**

d. Knowledge of any "accident", "claim", "suit" or "loss" will be deemed knowledge by you when notice of such "accident", "claim", "suit" or "loss" has been received by:

(1) You, if you are an individual;

(2) Any partner or insurance manager if you are a partnership;

(3) An executive officer or insurance manager, if you are a corporation;

(4) Your members, managers or insurance manager, if you are a limited liability company; or

(5) Your officials, trustees, board members or insurance manager, if you are a not-for-profit organization.

(Waiver of Subrogation by Contract)

J. WAIVER OF SUBROGATION REQUIRED BY CONTRACT

Under **SECTION IV, BUSINESS AUTO CONDITIONS, A. Loss Conditions 5. Transfer of Rights of Recovery Against Others to Us** the following language is added:

However, we waive any rights of recovery we may have against the person or organization with whom you have agreed in writing in a contract, agreement or permit, to provide insurance such as is afforded under the policy to which this endorsement is attached. This provision does not apply unless the written contract or written agreement has been executed, or permit has been issued, prior to the "bodily injury" or "property damage."

(Unintentional Failure to Disclose)

K. UNINTENTIONAL FAILURE TO DISCLOSE

Under SECTION IV – BUSINESS AUTO CONDITIONS, B. General Conditions, the following is added to **2. Concealment, Misrepresentation Or Fraud**:

Your unintentional error in disclosing, or failing to disclose, any material fact existing at the effective date of this Coverage Form, or during the policy period in connection with any additional hazards, will not prejudice your rights under this Coverage Form.

(Hired, Leased, Rented or Borrowed Auto Physical Damage)

L. HIRED, LEASED, RENTED OR BORROWED AUTO PHYSICAL DAMAGE

Under SECTION IV – BUSINESS AUTO CONDITIONS B. General Conditions 5. Other Insurance Paragraph **5.b.** is replaced by the following:

b. **(1)** For "Comprehensive" and "Collision" Auto Physical Damage coverage provided by this endorsement, the following are deemed to be covered "autos" you own:

(a) Any Covered "auto" you lease, hire, rent or borrow; and

(b) Any Covered "auto" hired or rented by your "employee" under a contract in that individual "employee's" name, with your permission, while performing duties related to the conduct of your business.

However, any "auto" that is leased, hired, rented or borrowed with a driver is not a covered "auto"

(2) Limit of Insurance For This Section

The most we will pay for any one "loss" is the lesser of the following:

(a) $75,000 per accident, or

(b) actual cash value at the time of loss, or

(c) cost of repair,

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Attachment: Palmer Tractor - 22-020 Plates for White Rock Rd. (RES-2022-23 : Approve a First Amendment for Emergency Repair Work on

Minus a $500 deductible. An adjustment for depreciation and physical condition will be made in determining actual cash value in the event of a total loss. No deductible applies to "loss" caused by fire or lightning.

(3) This Hired Auto Physical Damage coverage is excess over any other collectible insurance.

(4) Definitions For This Section

(a) Comprehensive Coverage: from any cause except the covered "auto's" collision with another object or the covered "auto's" overturn. We will pay glass breakage, "loss" caused by hitting a bird or animal and, "loss" caused by falling objects or missiles.

(b) Collision Coverage: caused by the covered "auto's" collision with another object or by the covered "auto's" overturn.

(Mental Anguish)

M. MENTAL ANGUISH

Under **SECTION V – DEFINITIONS, C.** is replaced by the following:

C. "Bodily injury" means bodily injury, sickness or disease sustained by a person including mental anguish or death resulting from bodily injury, sickness, or disease.

(Extended Cancellation Condition)

N. EXTENDED CANCELLATION CONDITION

Under **CANCELLATION,** of the **COMMON POLICY CONDITIONS** form, item **2.b.** is replaced by the following:

b. 60 days before the effective date of cancellation if we cancel for any other reason.

Attachment: Palmer Tractor - 22-020 Plates for White Rock Rd. (RES-2022-23 : Approve a First Amendment for Emergency Repair Work on

MARIPOSA COUNTY

Sheriff's Office · 209 966-3615

RESOLUTION - ACTION REQUESTED 2022-24

MEETING: January 11, 2022

TO: The Board of Supervisors

FROM: Jeremy Briese, Sheriff

RE: Authorize the Sheriff to Apply for Financial Aid from the California State Parks and Recreation

---

RECOMMENDATION AND JUSTIFICATION:
Authorize the Sheriff to Apply for Financial Aid from the California State Parks and Recreation Boating Safety and Enforcement Program; Authorize the Sheriff to Sign the Application; Authorize the Sheriff to Sign the Department's Form for Each Reimbursement Claim; and Authorize the County Auditor to Certify the Amount of Prior Year Vessel Taxes Received by the County (Subject to Approval as to Legal Form by County Counsel).

The total amount requested in the application is $248,432.15

This Financial Aid opportunity will be used for the Boating Safety and Enforcement program. The Mariposa County Sheriff's Office currently conducts Boating enforcement on Lake McClure, Lake McSwain and the Merced River.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
The Mariposa County Board of Supervisors has approved similar requests in past years.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Should this authority not be granted the County and the Department will miss out on this funding opportunity and will impact the general fund.

FINANCIAL IMPACT:
To receive $248,432.15 for Boating and Waterways and off-set the impact to the General Fund.
01/11/22 001-0000-309-1600 · Transfers In $248,432.15

ATTACHMENTS:
FY 23 801 - Application Forms (PDF)

RESULT: **ADOPTED BY CONSENT VOTE [UNANIMOUS]**
MOVER: Wayne Forsythe, District IV Supervisor
SECONDER: Tom Sweeney, District II Supervisor
AYES: Smallcombe, Sweeney, Long, Forsythe, Menetrey

Application for Financial Aid -- 801
Fiscal Year 2022-2023

Agency Mariposa County Sheriff **County** Mariposa

Address P.O. Box 276, Mariposa, CA, 95338

General Description of Boating Safety and Enforcement Programs:

(Give a comprehensive description of all programs in the County. If more space is needed, please attach a separate sheet).

Waterways to be Patrolled					Estimated Density by Quarter[a/]			
Lakes, Open Ocean	Area in Square Miles	Primary Usage[b/]	Type(s) of Patrols[c/]	FT or PT[d/]	1st	2nd	3rd	4th
1. Lake McClure	11.5	B	On-Water	FT	2300	1200	850	2000
2. Lake McSwain	1.75	A	On-Water	FT	250	150	100	200
3.								
4.								
5.								
6.								
7.								
8.								
9.								
10.								
11.								
12.								
13.								
14.								
Rivers	Length in Miles	Primary Usage[b/]	Type(s) of Patrols[c/]	FT or PT[d/]	1st	2nd	3rd	4th
1. Merced River	62	B	On-Water	FT	150	30	10	140
2.								
3.								
4.								
5.								
6.								
7.								
8.								
9.								
10.								

a/ Enter the highest number of boats on the waterway at any one time on any one day in each quarter, excluding holidays and holiday weekends.

b/ A = Fishing; B = Combined recreational boating activities (fishing, water skiing, pleasure boating, etc.)

c/ On-water, foot, truck/vehicle, and/or air

d/ FT = Full-time; PT = Part-time. If less than full-time, specify patrol schedule on a separate sheet.

Revised 2019

Attachment: FY 23 801 - Application Forms (RES-2022-24 : Authorize the Sheriff to Apply for Financial Aid from the California State Parks and

Boating Safety and Enforcement Aid Program
Proposed Program Costs -- 801.1
Fiscal Year 2022-2023

Agency Mariposa County Sheriff

Address P.O. Box 276, Mariposa, CA, 95338 **County** Mariposa

Proposed Program Costs

1. Personnel (Form 801.2)	$221,766.81
2. Operations, Maintenance and Equipment (Form 801.3)[a/]	$46,600.00
3. Total direct BS&E proposed program cost (2+3)	$268,366.81
4. Administrative costs[b/]	$13,418.34
5. Total BS&E proposed program costs (3+4)	$281,785.15
6. Less: Boat Taxes (Form 801.4)	$33,353.00
7. Total Net Proposed Program Cost (5-6)	$248,432.15

a/ New applicant agencies should use 30% of personnel costs to estimate operations, maintenance and equipment costs in lieu of form 801.3.

b/ Administrative costs cannot exceed five percent of direct BS&E proposed program cost (line 3).

County Authorized Representative:

SIGNATURE DATE

TYPED NAME TELEPHONE

Attachment: FY 23 801 - Application Forms (RES-2022-24 : Authorize the Sheriff to Apply for Financial Aid from the California State Parks and

Boating Safety and Enforcement Aid Program
Proposed Personnel Costs -- 801.2
Fiscal Year 2022-2023

Agency Mariposa County Sheriff's Office **County** Mariposa

Proposed Personnel Costs

Employee Compensation

	Title	Grade	No. Hours or Months	Pay per Hour or Month	Total Compensation
1.	Deputy Sheriff	501-Step 5	12.00	$6,052.06	$72,624.71
2.	Deputy Sheriff	501-Step 5	12.00	$6,052.06	$72,624.71
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					
15.					
16.					
17.					
18.					
19.					
20.					
21.	Total		24.00		$145,249.42

22. Average Customary Fringe Benefit Percent 52.68000000%

23. Total Proposed Personnel Costs $221,766.81

Attachment: FY 23 801 - Application Forms (RES-2022-24 : Authorize the Sheriff to Apply for Financial Aid from the California State Parks and

Attachment: FY 23 801 - Application Forms (RES-2022-24 : Authorize the Sheriff to Apply for Financial Aid from the California State Parks and

Boating Safety and Enforcement Aid Program
Proposed Operations, Maintenance and Equipment Costs -- 801.3
Fiscal Year 2022-2023

Agency Mariposa Co. Sheriff **County** Mariposa

Patrol Vessels: Fuel $12,000.00 + Repair $5,000.00 + Storage _____ = $ 17,000.00

Vehicles: Miles 20,000 Mileage Allowance 0.560 = 11,600.00

LIST OTHER O&M AND EQUIPMENT

1. River/Lake Rescue Equipment	$	2,500.00
2. Training	$	4,000.00
3. Clothing/Foul Weather Gear	$	500.00
4. Misc. Expense	$	2,000.00
5. Communications	$	1,000.00
6. Utilities	$	3,000.00
7. Maintenance of Building/Heating, Electrical, Locks, etc	$	1,000.00
8. Private Vehicle Use: Training Symposium	$	1,000.00
9. First Aid Supplies	$	500.00
10. Equipment	$	1,000.00
11. Office Supplies	$	500.00
12. Small Tools	$	500.00
13. Hull Insurance	$	500.00
14.	$	
15.	$	
16.	$	
17.	$	
18.	$	
19.	$	
20.	$	
21.	$	
22.	$	
23.	$	
24.	$	
25.	$	
Total	$	46,600.00

Revised 2019

Attachment: FY 23 801 - Application Forms (RES-2022-24 : Authorize the Sheriff to Apply for Financial Aid from the California State Parks and

Fiscal Year 2022-2023

Agency Mariposa County Sheriff

County Mariposa

Total estimated costs are offset by the estimated prior year vessel taxes received by the county to determine the maximum amount of financial aid you are eligible for. Vessel taxes received by the county represent 100% of the amount received by the county from the share of personal property taxes on vessels allocated to the County General Fund for boating safety and enforcement activities. Report on line 1 the estimated amount of prior year vessel taxes you anticipate you will receive.

1. Estimated boat tax revenues from prior fiscal year **$ 33,353.00**

C e r t i f i c a t i o n

I attest that I am a duly authorized representative of the auditor's office of

Mariposa county/city;

and that this calculation results in the best estimate of boat tax revenues

for the fiscal year noted.

SIGNATURE

DATE

Rebecca Smock Assistant Auditor

TYPED NAME AND TITLE

TELEPHONE

Attachment: FY 23 801 - Application Forms (RES-2022-24 : Authorize the Sheriff to Apply for Financial Aid from the California State Parks and

MARIPOSA COUNTY

Clerk of the Board of Supervisors · (209) 966-3222

MEETING: January 11, 2022

TO: The Board of Supervisors

FROM: Rene LaRoche, Clerk of the Board

RE: Handouts from Departmental Presentation Portion of the January 11, 2022, Meeting

---

Handouts from the Departmental Presentation Portion of the January 11, 2022, Meeting:

- Flyer regarding LHI testing site move considerations received from Dr. Sergienko.
- ERP Status Report matrix received from Leigh Westerlund.

ATTACHMENTS:
Flyer regarding COVID-19 testing site move (PDF)
ERP Status Report from Leigh Westerlund (PDF)

RESULT: INFORMATION RECEIVED

Moving the LHI COVID-19 Testing Site

A BRIEF OVERVIEW

Mid-September 2021: Asked to relocate

Our team received a request from the Golden Agers, owners of th Senior Center building, to relocate the testing site.

STEP 1

Identifying Potential Indoor Sites

Fairgrounds - could not accommodate schedule
School District - no facility available
Masonic Lodge - ADA concerns
JCF Hospital - No space available
Mariposa Baptist Church - declined

STEP 2

Identifying Potential Outdoor Sites

Fairgrounds - $200 per day fee for site
JCF Storage Area - additional cost for site, unpaved, no restrooms for staff, not enough room for traffic flow
Mariposa County Park - Not ADA

Staff Hours

Coordination Team
150 hours - Lead Coordinator
20 hours - Assistant Coordinator

Site Preparation Team
9 hours for site visit with the LHI Team

Information Team
8 hours for Joint Information Center to message the site changes

Original Goal

Drive-Thru Site at YARTS Park & Ride

Requirements on County

- Tents - $6,686 plus $5,520 per month
- Storage - $509 delivery plus $165 per month
- Cooling/Heating - 8 x 20 office space* for staff $550 per month plus approx. $500 for delivery/pickup

*After an onsite visit, LHI confirmed there was not sufficient room for this space to meet their safety requirements.

Final Solution

Mobile Testing Bus

- Received expedited approval through CDPH Testing Task Force due to our situation
- Walk-up, self-swab set up with ample parking
- Requires a 90-day commitment
- Can be re-located within 30 miles with 24 hr. notice

Mariposa County Health & Human Services Agency
Healthy. Safe. Thriving.

Attachment: Flyer regarding COVID-19 testing site move (12675 : Handouts from Departmental Presentation Portion of the January 11, 2022,

ERP Status Report

Module	Status	Additional Requirements
Budget	95%	Learn how to manage - make new budgets, add new funds, create new reports Budget actions process
Me - Employee Self Service	85%	Employee self service not fully functional Workflows to replace ECS forms, Nixle reports, Union reports, etc. not working great Need reports to see data more easily Need to create incentives for users to get into these areas and learn
My Team	95%	Not universally understood and utilized - more training
My Client Groups - Positions	95%	Need to adjust flex positions to make the I/II with 10 steps instead of two separate positions with 5 steps each
My Client Groups - Performance	50%	Change order of descriptions on questions Push out reviews for next two months Verify and document process for non-standard (ex. 6-month) reviews Push out non-standard reviews Load Trakstar performance review history Resolve incorrect notifications issues
My Client Groups - Benefits	40%	Need to load dependents Need to create XML connection to CalPERS and other benefit providers
Timecards / Payroll	80%	Need to disconnect all autocalculations Need to narrow payroll time types by groupings Timecards need to be available all of the time Need reports for monthly view, all direct reports, etc. Need to get correct employees access to monitor time card entry Need to figure out access for departments to change where employees are charged
Contracts	95%	User interface is complicated - need to explore ways to centralize contract management in Oracle
Receivables	0%	Need to turn on billing Need to create a strategy for credits and debits in receipts Need to create short cuts with new COA codes Need to educate employees on proper receipting processes
Suppliers	98%	Need to make it easier to see link to register as a supplier on our website
Payables	95%	Need employee pay back to county for personal charge mistkenly charged to Calcard Need process for recording use tax Need to know how to access and maintain auto upload of Calcard files when it errors out
Projects	70%	Mostly set up Need to learn how to manage Need to pull reports Need to correct previous data entry errors Need to maintain connection between payroll expenses and projects when timecard changes are implemented
General Accounting	90	Need transactional reports
Budgetary Control	100%	
Cash Management	0%	See receivables above Need to know interest allocation process
Procurement	95%	Need to change the default organization on purchase orders from RoadsDepartment to Mariposa Need to correct setup so that purchase orders progress to final closed status Need to turn on requisitions for social services
Overall	80%	Need more reports for many things - data does us no good in Oracle if we cannot pull it out and learn from it Need to confirm security, user roles, data access Need to manage system, user access, information, training, helpdesk, report creation, etc.
Training and Communication	20%	Need to curate learning materials Need to communicate business process best practices Need to provide training Need to regularly meet, train, review, and update user processes Need to celebrate hard work of team
Reports	20%	Need to create library of reports for Mariposa County staff

Attachment: ERP Status Report from Leigh Westerlund (12675 : Handouts from Departmental Presentation Portion of the January 11, 2022,

MARIPOSA COUNTY

Clerk of the Board of Supervisors · (209) 966-3222

MEETING: January 11, 2022

TO: The Board of Supervisors

FROM: Rene LaRoche, Clerk of the Board

RE: Handouts from the Public Comment Portion of the January 11, 2022 Meeting

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Handouts from the Public Comment on Non-Agenda Items Portion of the January 11, 2022 Meeting:

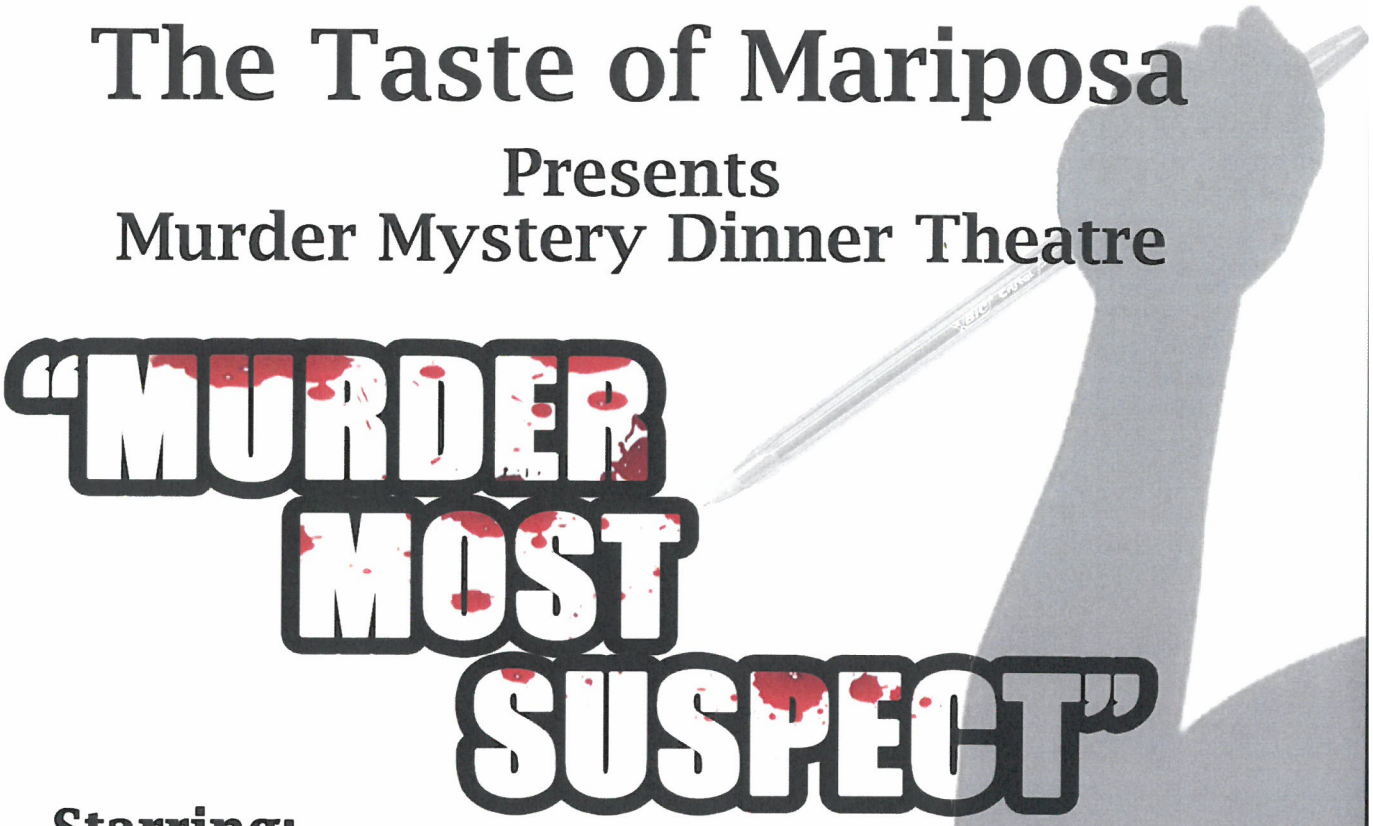
"Murder Most Suspect" flyer received from Carol Suggs.

ATTACHMENTS:
Murder Most Suspect Flyer (PDF)

RESULT: INFORMATION RECEIVED

The Taste of Mariposa

Presents
Murder Mystery Dinner Theatre



Starring:
Jim Allen * Mike Ahmadi * Miriam Costello
Don Costa * Trace DeSandres * Heidi Estep
Ophelia McInturff * Trent Williams *

Prime Rib Dinner
Raffles and The Big Auction

Saturday April 2, 2022 5:00 pm
Mariposa County Fairgrounds

Purchase tickets and reserve tables
Online at Mariposabutterflyfestival.net

Benefiting
Mariposa
BUTTERFLY FESTIVAL

Attachment: Murder Most Suspect Flyer (12673 : Handouts from the Public Comment Portion of the January 11, 2022 Meeting)

MARIPOSA COUNTY

Planning · 209-966-5151

RESOLUTION - ACTION REQUESTED 2022-25

MEETING: January 11, 2022

TO: The Board of Supervisors

FROM: Sarah Williams, Planning Director

RE: Downtown Mariposa Activation and Beautification Initiative

---

RECOMMENDATION AND JUSTIFICATION:
Adopt a Resolution Approving the Submittal of an Application to the Caltrans Clean California Local Grant Program to Fund the Downtown Mariposa Mural Project and Authorizing the Planning Director to Sign the Application; Authorize the Board of Supervisors Chair to Sign the Grant Agreement and Associated Agreements with Collaborating Property Owners, If Awarded (Subject to Approval as to Legal Form by County Counsel); and Authorize the Board of Supervisors Chair to Sign the Letter of Support.

The Clean California Local Grant Program is part of a two-year program through which approximately $296 million in funds will go to local communities to beautify and improve local streets and roads, tribal lands, parks, pathways, and transit centers to clean and enhance public spaces. Through the combination of adding beautification measures and art in public spaces along with the removal of litter and debris, this effort will enhance communities and improve spaces for walking and recreation.

In FY 19-20, the Planning Department and Mariposa County Arts Council jointly applied for and received funding through this grant program to develop the Creative Placemaking Strategy (CPS). That document, which was adopted by the Board on 8/17/2021, contains several priority recommendations that align with the proposed project, in particular Project 1, for which the proposed project is a direct and intentional implementation action. At that time, the Board authorized County departments and agencies to pursue implementing the CPS' recommendations.

This application would provide funding that would enable the project's partnership, which includes the Mariposa County Arts Council, to install six murals on strategic locations in the Town of Mariposa. Locations, which could change depending on circumstances and decisions made after the grant has been received, were previous identified in the CPS as high-value areas for a variety of reasons. As recommended in the CPS, the proposed project is intended to be a coordinated program of thematically and aesthetically consistent public art, rather than an assortment of distinctive, standalone pieces, and are intended to serve additional community building objectives beyond "art for arts sake."

In this case, murals will 1) interpret the local landscape and ecosystem and 2) support active transportation connections through town, including to/from the Mariposa Creek

Parkway, and are targeted to activate strategic areas of the built environment, such as the 11th Street Paseo, Phase III of the Mariposa Creek Parkway, and/or areas that are currently being or planned to be improved through Caltrans' 140 Pedestrian Safety Improvement Project. In accordance with the vision expressed in the CPS, anticipated themes and content for the murals involve native plants, animals, landscapes, and other similar topics related to Mariposa and Mariposa Creek's environment.

In most cases, priority murals are intended to be located on the sides of buildings, with one mural intended to be located on a retaining wall. Work will be produced by a selected artist team who would enter into a professional services agreement with the County. Content for each mural will be developed through an engagement process led by the County and Mariposa County Arts Council in partnership with the selected artist team, affected property owners, the Creative Placemaking Strategy Advisory Committee, and the Historic Sites and Records Preservation Committee. Among other considerations, the latter group will provide important insights to ensure that selected murals occur in accordance with the Historic Design Review Overlay where necessary.

Maintenance needs for the proposed murals are low. Using a brush, each mural will be spot sealed with a matte-finished acrylic varnish suitable for outdoor use. In addition to ensuring long-term durability of the artwork, this also enables easy removal of graffiti or other acts of vandalism. Routine maintenance activities entail gentle periodic (annual) pressure washing, which will be overseen and implemented by Mariposa County and the Mariposa County Arts Council.

While the anticipated lifespan of the murals is a minimum of 10 years, empirical evidence based on precedent images indicates that well-sealed and maintained murals will remain vibrant and beautiful for much longer, even in harsh climates. Additionally, the selected artist will provide paint colors in case small touch-ups are needed throughout the life of the project. If needed, the selected artist will also provide a supplemental maintenance plan should any of the murals or specific sites warrant enhanced maintenance protocols.

In addition to supporting the mural project, funds would be used to implement the Clean Sweep litter abatement program, with an emphasis on trash removal and associated cleanup activities focused in the Mariposa Creek corridor. Grant funds would be used to support marketing and promotion of the Clean Sweep event, as well as procure necessary equipment such as trash pickers, rakers, and brooms.

Announcement of grant award or rejection would occur in March 2022. If successful, grant work would have to be completed by June 30, 2024. Note that the application materials attached here are in a working format. The anticipated amount requested is $314,140, approximately 10% of which is for stakeholder engagement, 10% for Clean Sweep, and 80% of which is for mural production. There is no required local match.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
RES-2021-487: Approved the Creative Placemaking Strategy, finding the project exempt from CEQA, and authorized County departments and agencies to pursue implementing its recommendations.

RES-2018-026: Established the Creative Placemaking Strategy Advisory Committee,

to which members were appointed on 3/13/2018.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Negative action will result in hindered implementation of the Creative Placemaking Strategy.

FINANCIAL IMPACT:
There is no required local match, and if awarded, the grant money would have a positive financial impact on the county's budget.

ATTACHMENTS:
211130 BOS_LOS (DOCX)
211201 Application Resolution_DRAFT (DOCX)
211203 Project Map_DRAFT (PDF)
211201 Precedent (PDF)
211202 Application_DRAFT (PDF)
G.1 - PUBLIC COMMENT from Adam Burns (PDF)
G.1 - PUBLIC COMMENT from Kim Brisack (PDF)

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Marshall Long, District III Supervisor
SECONDER: Tom Sweeney, District II Supervisor
AYES: Smallcombe, Sweeney, Long, Forsythe, Menetrey

.

January 7, 2022

To Whom it May Concern:

As Chair of the Mariposa County Board of Supervisors, I am writing to offer our support for Mariposa County's application to the Clean California Local Grant program. This opportunity will significantly advance our community's efforts to establish Mariposa as a vibrant, livable destination, supporting area economic vitality while meeting public health and creative placemaking objectives. I am excited to be involved in the project.

District IV contains both the town of Mariposa, which is county seat, a dense collection of local businesses and historic sites, and the length of the Mariposa Creek Parkway. Our expanding pedestrian active transportation network, especially the Mariposa Creek Parkway, is critical to providing connections between economic, cultural, and public space resources in this area. We are committed to expanding and broadening those connections, and we view the Downtown Mariposa Mural project as a strategic and multi-beneficial approach to doing so.

In addition to beautifying our downtown environment and telling the kinds of place-based stories recommended in the Mariposa County Creative Placemaking Strategy, these murals will help link tourists and disadvantaged members of our community to Mariposa's economic and cultural core. And, they will promote use and enjoyment of existing and planned segments of the Mariposa Creek Parkway, a project that will transform our town and county well into the future.

This grant will tangibly and significantly advance a project that will be a service to District IV, Mariposa County and a million plus visitors who come to this town annually. It will result in a vibrant local economy, while continuing to make our downtown and the Mariposa Creek Parkway accessible to all Mariposans. We endorse the County's application and are proud to offer key areas of County right of way to host these impactful murals.

Sincerely,

Rosemarie Smallcombe
Board Chair
Mariposa County Board of Supervisors

Attachment: 211130 BOS_LOS [Revision 1] (RES-2022-25 : Downtown Mariposa Activation and Beautification Initiative)

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
BOARD OF SUPERVISORS

Resolution No. 22-___

A RESOLUTION APPROVING THE SUBMITTAL OF AN APPLICATION TO THE CALTRANS CLEAN CALIFORNIA LOCAL GRANT PROGRAM TO FUND THE DOWNTOWN MARIPOSA MURAL PROJECT AND AUTHORIZING THE PLANNING DIRECTOR TO SIGN THE APPLICATION; AUTHORIZING THE BOARD CHAIR TO SIGN THE GRANT AGREEMENT AND ASSOCIATED AGREEMENTS WITH COLLABORATING PROPERTY OWNERS, IF AWARDED (SUBJECT TO APPROVAL AS TO FORM BY COUNTY COUNSEL); AND AUTHORIZING THE BOARD OF SUPERVISORS CHAIR TO SIGN THE LETTER OF SUPPORT.

WHEREAS, several of the General Plan Elements, including the Economic Development, Arts and Culture, and Regional Tourism Elements, contain goals, policies, and programs that weave together economic development objectives with efforts to enhance and celebrate Mariposa County's cultural identity and sense of place – a process known as Creative Placemaking; and

WHEREAS, Resolution No. 2018-26 established the Creative Placemaking Strategy Advisory Committee (CPSAC) to initiate the development of a coordinated plan to achieve General Plan goals, policies and implementation measures related to Creative Placemaking; and

WHEREAS, Resolution No. 2021-487 adopted the Creative Placemaking Strategy, which contains several recommendations related to context-sensitive outdoor art, including murals that tell a compelling and rich story about the county's landscapes and natural resources; and

WHEREAS, these art, design, and placemaking strategies can contribute to a walkable and vibrant downtown core in the Town of Mariposa.

NOW THEREFORE BE IT RESOLVED, that the Board of Supervisors does hereby approve the submittal of an application to the Caltrans Clean California Local Grant Program to Fund the Downtown Mariposa Mural Project and authorize the Planning Director to sign the application; Authorize the Board of Supervisors Chair to Sign the Grant Agreement and Associated Agreements with Collaborating Property Owners, If Awarded (Subject to Approval as to Legal Form by County Counsel); and Authorize the Board of Supervisors Chair to Sign the Letter of Support.

Attachment: 211201 Application Resolution_DRAFT (RES-2022-25 : Downtown Mariposa Activation and Beautification Initiative)

ON MOTION BY Supervisor _____, seconded by Supervisor _____, this resolution is duly passed and adopted this11th day of January 2022 by the following vote:

AYES:
NOES:
EXCUSED:
ABSTAIN:

_____
Rosemarie Smallcombe, Chair
Board of Supervisors

ATTEST:

_____
René LaRoche, Clerk of the Board

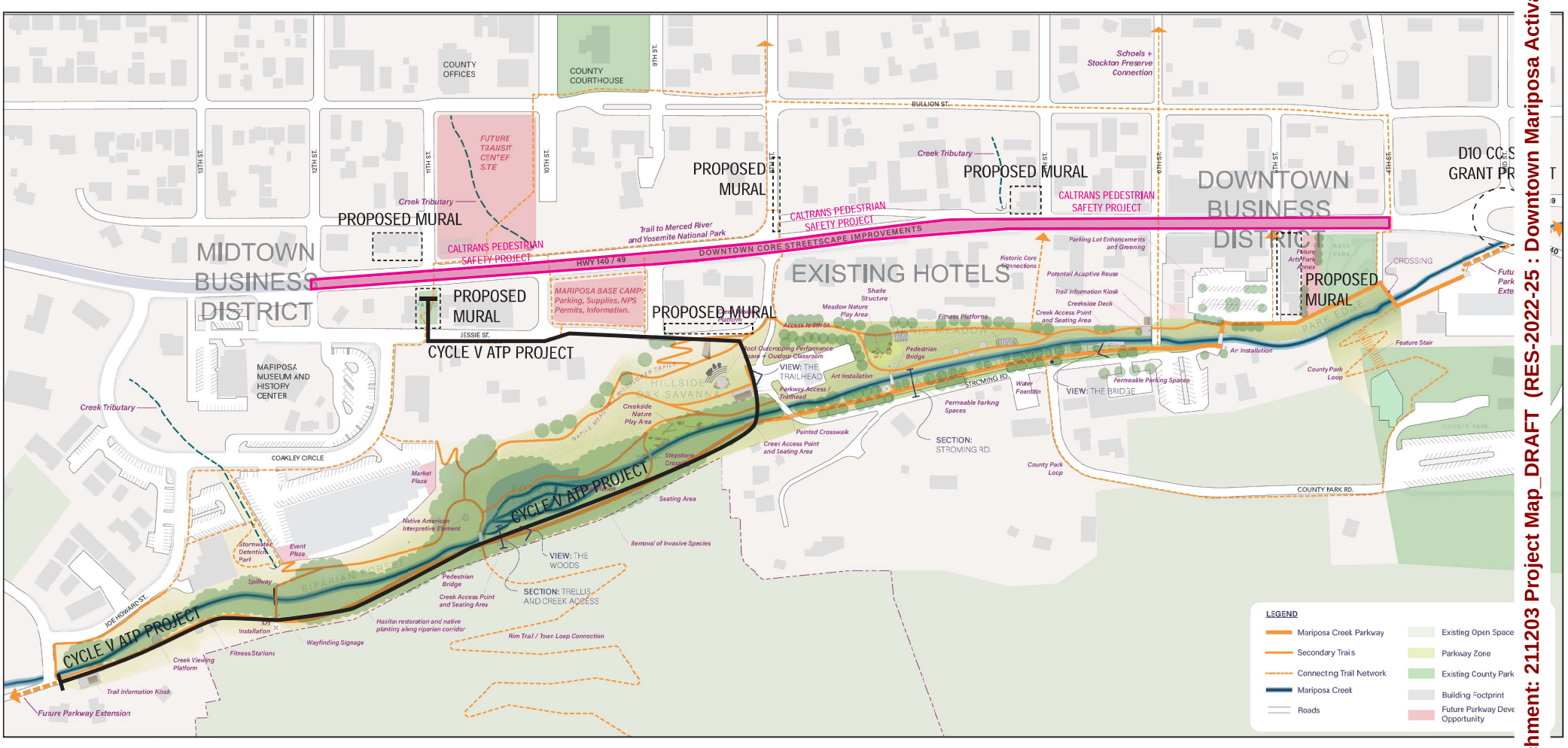
APPROVED AS TO FORM:

_____
Steven W. Dahlem, County Counsel

Attachment: 211201 Application Resolution_DRAFT (RES-2022-25 : Downtown Mariposa Activation and Beautification Initiative)

INTEGRATION INTO GROWING ACTIVE TRANSPORTATION NETWORK

IN ADDITION TO IMPLEMENTING THE MARIPOSA CREEK PARKWAY MASTER PLAN (FUNDED THROUGH THE CALTRANS SUSTAINABLE COMMUNITIES GRANT PROGRAM), THE CREATIVE PLACEMAKING STRATEGY, AND THE ECONOMIC VITALITY STRATEGY, THE PROPOSED PROJECT ALIGNS WITH THE SEVERAL CURRENT AND PENDING CALTRANS PROJECTS. THESE INCLUDE A $4.6M GRANT FROM CYCLE 5 OF THE ACTIVE TRANSPORTATION PROGRAM, (THE CURRENT PROJECT), AND A RELATED APPLICATION TO THE CLEAN CALIFORNIA STATE PROGRAM SUBMITTED BY THE DISTRICT 10 OFFICE.



MARIPOSA CREEK PARKWAY MASTER PLAN // PHASE II AND III SEGMENTS

0 ft 50 ft 100 ft N

Attachment: 211203 Project Map_DRAFT (RES-2022-25 : Downtown Mariposa Activation and

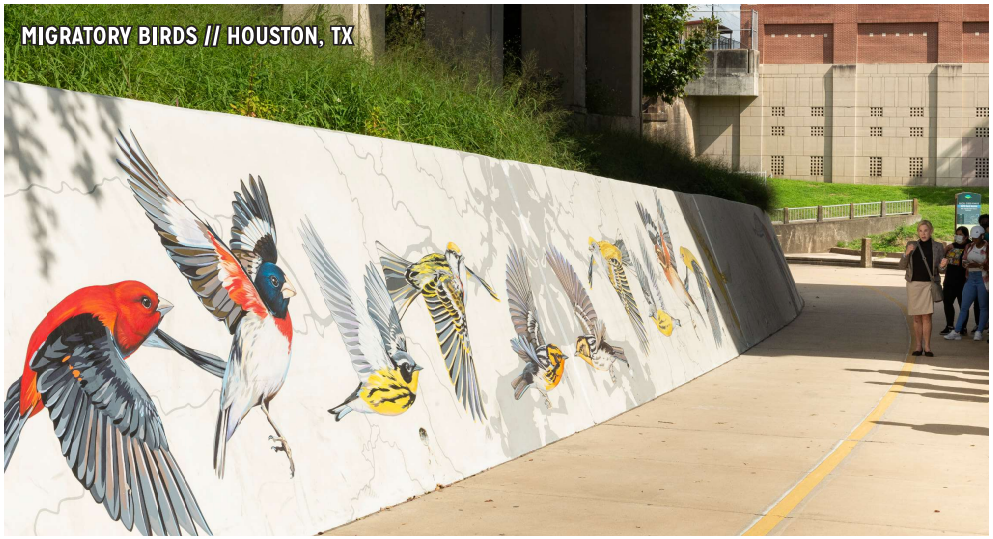
STORYTELLING THROUGH LANDSCAPE AND ECOLOGY

THROUGHOUT THE US AND THE SIERRA NEVADA REGION, DIVERSE COMMUNITIES BOAST PRECEDENT MURAL PROJECTS THAT ARE THEMATICALLY AND FUNCTIONALLY ALIGNED WITH THE DOWNTOWN MARIPOSA MURAL PROJECT. THESE PRECEDENT MURALS EXPLORE THE WONDER OF THE NATURAL WORLD, CONNECTING HUMAN COMMUNITIES TO THE ENVIRONMENTS THAT THEY INHABIT IN CONTEXT-SENSITIVE WAYS. THIS APPROACH IAND THESE PRECEDENTS ARE EXPLICITLY IDENTIFIED IN THE MARIPOSA CREEK PARKWAY MASTER PLAN AND CREATIVE PLACEMAKING STRATEGY.



BIG HORN SHEEP // LONE PINE, CA


MONARCHS + HABITAT // WINTER PARK, FL


MIGRATORY BIRDS // HOUSTON, TX


ASPEN GROVE // JUNE LAKE, CA

Attachment: 211201 Precedent (RES-2022-25 : Downtown Mariposa Activation and Beautification

In the security banner above, please click on "**Options**" and select "**Trust this document one time only**" before completing the form. After you select to trust the document, you will be asked if you want to save the document before closing, select "**No**". If the banner is not visible, open the panel on the left side of the screen and click on the exclamation icon.

I. PROJECT DESCRIPTION

1.1 PROJECT INFORMATION

Assembly District	Senate District	Congressional District
5	8	4

Caltrans District: 10

Notes:

* *Fill out the information in this table based on project location, rather than location of the primary project applicant. If a project contains multiple locations, enter information for each location.*

** *For information on Senate, Assembly, and Congressional Districts, see: https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=4c2e0aba9e174138a794a98e82cb22cc.*

1.2 LOCATION INFORMATION*

Does this project encroach onto Caltrans right-of-way? ☐ Yes ☒ No

Location Information - Local Jurisdiction

Begin Latitude of Parameters**	Begin Longitude of Parameters**	End Latitude of Parameters**	End Longitude of Parameters**	Description***	Street Address	City	Zipcode
(x) 37.483818	(y) 119.964677	(x)	(y)	Arts Park Gateway (park + path)	5013 CA-140	Mariposa	95338
(x) 37.487287	(y) 119.967405	(x)	(y)	8th St. @ SR. 140/49 (sidewalk)	~4996 8th St.	Mariposa	95338
(x) 37.485769	(y) 119.966086	(x)	(y)	SR. 140/49 @ 7th St. (sidewalk + bus stop)	4998 7th St.	Mariposa	95338
(x) 37.488879	(y) 119.969985	(x)	(y)	11th St. Paseo (park + path)	~5106 CA-140	Mariposa	95338
(x) 37.489206	(y) 119.969598	(x)	(y)	Mariposa Gazette Building (sidewalk)	5108 CA-140	Mariposa	95338
(x) 37.487816	(y) 119.969271	(x)	(y)	Frost Shop site (sidewalk)	5086 Jessie St.	Mariposa	95338

Location Information - State Highway System

Description***	Caltrans District	County	Route	Route Suffix	Begin Postmile Prefix	Begin Postmile****	Begin Postmile Suffix	End Postmile Prefix	End Postmile****	End Postmile Suffix

Notes:

* *Projects can include multiple locations. Provide Latitude and Longitude Parameters, as well as a brief description for each location in your project.*

** *Please provide this in the following format: [((x) ###.######), ((y) ###.######); x=Latitude and y=Longitude*

*** *For example, is the location a park, path, bus stop, viaduct, etc.?*

*****The Postmile fields are only applicable for streets that are part of the State Highway System. If a location is a single point, then provide the same begin and end postmile values. Link to Postmile Lookup: https://postmile.dot.ca.gov/PMQT/PostmileQueryTool.html.*

1.3 SUMMARY BUDGET INFORMATION

Project Title	Downtown Mariposa Mural Project
Grant Amount Requested*	$281,450
Total Project Cost	$284,278
Local Match %	0
Total Cash Local Match	$2,739
Total Third-Party In-Kind Local Match	

Attachment: 211202 Application_DRAFT (RES-2022-25 : Downtown Mariposa Activation and Beautification Initiative)

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION
CLEAN CALIFORNIA LOCAL GRANT PROGRAM (CCLGP) APPLICATION
CCLGP-AP001 (NEW 11/2021)

Total Local Match	$2,739
Does this project involve funding from other programs?	☐ Yes ☒ No
If Yes to the above, please select all the different types of other funding programs that apply and provide summary information for each program	If any program or fund types are checked below, please state the program or fund name and total amount received from each. ☐ Federal Programs ☐ State Programs ☐ Local Funds ☐ Private Fund

ADVANCE PAYMENT INFORMATION

Are you seeking advance payment?	☐ Yes ☒ No
What is the total value of your advance payment request?	
What is the advance payment as a percentage of the grant award?	

Notes: ** For this table, round amounts up to the nearest thousand.*

1.4 PRIMARY PROJECT APPLICANT INFORMATION

CONTACT NAME	TITLE	ORGANIZATION
Mikey Goralnik	Sr. Community Design + Development Planner	Mariposa County Planning Department
PHONE NUMBER	**EMAIL ADDRESS**	
209.742.1222	mgoralnik@mariposacounty.org	

AGENCY TYPE - Check which of the following best describes your agency

☒ Local or Regional Public Agency ☐ Transit Agency ☐ Federally Recognized Tribal Government

☐ Other Public Agency - Indicate here what type of agency your organization is: _____

1.5 PRIMARY PROJECT APPLICANT MARKETING/COMMUNICATIONS CONTACT INFORMATION

CONTACT NAME	TITLE	ORGANIZATION
Mikey Goralnik	Sr. Community Design + Development Planner	Mariposa County Planning Department
PHONE NUMBER	**EMAIL ADDRESS**	
209.742.1222	mgoralnik@mariposacounty.org	

1.6 SUB-APPLICANT INFORMATION (IF APPLICABLE)

CONTACT NAME	TITLE	ORGANIZATION
Clay River	Executive Director	Southern Sierra Miwuk Nation
PHONE NUMBER	**EMAIL ADDRESS**	

AGENCY TYPE - Check which of the following best describes your agency

☐ Local or Regional Public Agency ☐ Transit Agency ☐ Federally Recognized Tribal Government

☒ Other Public Agency - Indicate here what kind of agency your organization is: State Recognized Tribal Government

Attachment: 211202 Application_DRAFT (RES-2022-25 : Downtown Mariposa Activation and Beautification Initiative)

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION

CLEAN CALIFORNIA LOCAL GRANT PROGRAM (CCLGP) APPLICATION

CCLGP-AP001 (NEW 11/2021)

CONTACT NAME	TITLE	ORGANIZATION
Alex Vance	President of the Board	Mariposa County Arts Council
PHONE NUMBER	EMAIL ADDRESS	
209 966 3155	artmandy@yahoo.com	

AGENCY TYPE - Check which of the following best describes your agency

☐ Local or Regional Public Agency ☐ Transit Agency ☐ Federally Recognized Tribal Government

☒ Other Public Agency - Indicate here what kind of agency your organization is: Arts programming and education non-profit

1.7 PROJECT OVERVIEW

Will this project displace people experiencing homelessness?

☐ Yes (Note: Project is ineligible for funding)

☒ No

Indicate what elements are included in the project(s). Check all that apply.

☐ ENHANCED INFRASTRUCTURE

☒ ENHANCED NON-INFRASTRUCTURE - Litter Abatement Events and/or Educational Programs

Estimated Installation/Construction Complete Date: June 3, 2024 *(Note: Must BE ON OR before June 30, 2024)*

SUB-AGREEMENTS

Is this project associated with any other Caltrans projects?

☒ Yes - If Yes, enter Caltrans Contact Email: sam.sherman@dot.ca.gov

☐ No

1.8 PROJECT DESCRIPTION

PROVIDE GENERAL PROJECT DESCRIPTION (Max of 150 words)

The proposed project will install six murals at strategic locations in downtown Mariposa which will beautify and activate the downtown streetscape, interpret and celebrate iconic local landscapes and traditional land stewards, and promote connections to the existing and planned active transportation network. This includes ongoing Caltrans investments, such as Phase III of the Mariposa Creek Parkway, and the 11th Street Paseo, currently funded by a Cycle V ATP grant, and elements of the MPA 140 Pedestrian Safety project. The project implements community-endorsed creative placemaking enhancements, contributing to more equitable and representative representations of local identity and sense of place and resulting in a walkable, vibrant rural downtown. These benefits accrue within a disadvantaged census tract in a generally disadvantaged rural county. See the Attachment N.X for concept drawings and precedent images of the proposed murals.

1.9 PURPOSE AND NEED

PROVIDE PURPOSE AND NEED OF PROPOSED ELEMENTS (Max of 150 words)

Attachment: 211202 Application_DRAFT (RES-2022-25 : Downtown Mariposa Activation and Beautification Initiative)

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION
CLEAN CALIFORNIA LOCAL GRANT PROGRAM (CCLGP) APPLICATION
CCLGP-AP001 (NEW 11/2021)

II. UNDERSERVED COMMUNITIES

2.1 ANALYSIS OF BENEFITS TO UNDERSERVED COMMUNITIES*

Is this project located in an underserved community?

- ☒ Yes
- ☐ No
- ☐ Partially located in an underserved community

List all the census tract number(s) applicable to the project**

Census Tract: 1.01	Median Household Income	

What percentage of the total grant request will go towards benefiting underserved communities?	100.00%

Notes:
* *See section "Underserved Communities" in the Program Guidelines for definitions of historically excluded, disadvantaged, or underserved communities.*
** *Link to Census Tract Lookup: https://data.census.gov/cedsci/?intcmp=aff_cedsci_banner*

2.2 LOCAL MATCH REQUIREMENT*

What was the criteria used to determine the applicant's required local match?

- ☒ Median Household Income
- ☐ CalEnviroScreen 3.0
- ☐ Free or Reduced Priced School Meals
- ☐ Healthy Places Index
- ☐ Native American Tribal Lands
- ☐ Other _____
- ☐ Not Applicable

What is your community's required local match, as a percentage of total project costs?**	0	
Total Value of Cash Local Match	$2,739	
Total Value of Third-Party In-Kind Local Match	$0	
Total Value of Local Match	$2,739	

Notes:
* *Costs incurred prior to or after the end date of an executed agreement are not eligible for reimbursement and will not be counted towards local match requirements. See the Accounting Requirements section of the Program Guidelines for details.*
** *See Table 2 "Severity of Disadvantage Thresholds for Determining Local Match" in the Program Guidelines for how to determine the local match required.*

Attachment: 211202 Application_DRAFT (RES-2022-25 : Downtown Mariposa Activation and Beautification Initiative)

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION
CLEAN CALIFORNIA LOCAL GRANT PROGRAM (CCLGP) APPLICATION
CCLGP-AP001 (NEW 11/2021)

III. ATTACHMENTS

3.1 ATTACHMENTS

Below is a list of all the possible attachments you can include. See Application Instructions for details on what the attachments should include.
Use the "Attach" button under each attachment type to upload the file.
The maximum file size for attachment D, E, and G is 25MB each and 5MB for all other files.

REQUIRED ATTACHMENTS:

OPTIONAL ATTACHMENTS:

Attachment: 211202 Application_DRAFT (RES-2022-25 : Downtown Mariposa Activation and Beautification Initiative)

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION
CLEAN CALIFORNIA LOCAL GRANT PROGRAM (CCLGP) APPLICATION
CCLGP-AP001 (NEW 11/2021)

IV. PROJECT OUTCOMES

Enter values in the Total column for just the Outputs that apply to your project.

4.1 PROJECT OUTCOMES

Category	Output	Unit	Total
Litter Abatement	Litter Collected	Cubic Yards	0
	Public Space Cleaned	Square Feet	0
	Anti-Littering Signs	Number of Signs	0
	Waste Bins	Number of Bins	0
Transit Center Improvements	Litter Collected	Cubic Yards	0
	Beautification of Space	Number of Bus Stops Beautified	0
		Number of Transit Centers Beautified	0
		Number of Art Installations	0
Enhance Public Health	Increased Walking Paths, Bike Paths, Children's Play Areas	Square Feet	0
Beautification	Art Installations	Number of Installations	0
		Square Footage of Installations	0
	Urban Heat Island Reduction	Decrease in Temperature by Degrees Fahrenheit at each Improved Site, Measured at the Noon Hour	0
	Shade Trees Planted	Number Planted	0
	Drought-Tolerant, Native Plants	Number Planted	0
Enhanced Use	Furniture Added	Number of Seats Added	0
	Play Equipment Installed	Number of Play Equipment Features Installed	0
	Public Space Reclaimed for Public Use or Added for Public Use	Square Feet	0
	Increased Use of Existing Public Space	Increased Number of Hours per Day Available	0
Enhanced Community Connection	Wayfinding Signage	Number of Signs Added	0
	Community/Historical Signs and Markers	Number of Signs Added	0
Jobs and Volunteer Positions Created	New Permanent or Temporary Jobs Created and Number of Artists Supported by the Prime Awardee and all Consultants/ Contractors to Implement or Maintain the Project(S)	Number of Permanent Persons Hired	0
		Number of Temporary Persons Hired	0
		Number of Artists Supported	0

Attachment: 211202 Application_DRAFT (RES-2022-25 : Downtown Mariposa Activation and Beautification Initiative)

Category	Output	Unit	Total
Pavement and Support Elements	Enhanced Paving (permeable surface or pavement alternatives, such as wood chips)	Square Feet	0
	Decreased Pavement	Square Feet	0
	Upgraded or Improved Permanent Irrigation Systems	Linear Feet	0
	Bioretention Swales and other Green Street Elements	Each	0
	Energy-Conserving Lighting Installed	Number of Energy-Conserving Lights Installed	0
	Renewable Energy Technologies (e.g. solar panels)	Each	0
	Installations of Water Fountains	Number of Water Fountains Installed	0
	Installation or Refurbishment of Bathrooms	Number of Toilets Installed or Refurbished	0
	Architectural Fencing (not chain-link)	Linear Feet	0
	Shade Structures (not including shade trees - see Beautification category)	Number of Shade Structures	0
Education	Campaigns	# of Campaigns	0
		Reach of the Campaigns	0
		Frequency of the Campaigns	0
	Community Events	# of Events	0
		# of Attendees	0

Attachment: 211202 Application_DRAFT (RES-2022-25 : Downtown Mariposa Activation and Beautification Initiative)

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION

CLEAN CALIFORNIA LOCAL GRANT PROGRAM (CCLGP) APPLICATION

CCLGP-AP001 (NEW 11/2021)

V. SIGNATURES

IMPORTANT: Applications will not be accepted without all required signatures.

Primary Applicant: Chief Executive Officer, Public Works Director, or other officer authorized by the governing board. The undersigned affirms that their agency will be the "Implementing Agency" for the project if funded with CCLGP funds and they are the Chief Executive Officer, Public Works Director or other officer authorized by their governing board with the authority to commit the agency's resources and funds. They are also affirming that the statements contained in this application package are true and complete to the best of their knowledge. For infrastructure projects, the undersigned affirms that they are the manager of the public right-of-way facilities (responsible for their maintenance and operation) or they have authority over this position.

5.1 AUTHORIZED OFFICIAL (PRIMARY APPLICANT) SIGNATURE			
Print Full Name			
Title			
Phone			
Email			
Date		Signature	

Attachment: 211202 Application_DRAFT (RES-2022-25 : Downtown Mariposa Activation and Beautification Initiative)

Online Form Submission #8532 for Public Comment on Board Items

noreply@civicplus.com <noreply@civicplus.com>

Sun 1/9/2022 10:27 AM

To: Rene LaRoche <rlaroche@mariposacounty.org>; Tracy Gauthier <tgauthier@mariposacounty.org>; Danielle Bondshu <dwardle@mariposacounty.org>

Public Comment on Board Items

Public comment on Board of Supervisors agenda items can be provided via this form or from the meeting website located at http://www.mariposacounty.org/bosagendas.

***Please indicate the item that this comment applies to, and keep your comments to under 2000 characters (approximately 400 words.)*
***Please note that all comments received will be distributed to the Board members and attached to the Minutes following our normal procedures.*
***The County bears no responsibility for delays caused by lapses in internet service, consequently, we suggest that you submit your comments early to allow for potential delivery lags.*

NAME (Not Required but helps with the Minutes)	Adam Burns
Please Indicate the Item this comment pertains to:	Adopt a Resolution Approving the Submittal of an Application to the Caltrans Clean California Local Grant Program to Fund the Downtown Mariposa Mural Project
Your position on this item:	Support
Your comment for this item: (Please note: This form is limited to 4000 characters which equals approximately 500 words. Longer communications should be emailed to board-clerk@mariposacounty.org.)	I am writing to enthusiastically support the submittal of an application to the Caltrans Clean California local grant program to fund the Downtown Mariposa Mural Project and authorizing the Planning Director to sign the application. As a resident of downtown Mariposa, I really appreciate the ongoing efforts to make our town, attractive, accessible and inspiring. Intentional artistic projects and other creative placemaking activities play a big role in making our town a great place to live and work.

Email not displaying correctly? View it in your browser.

Attachment: G.1 - PUBLIC COMMENT from Adam Burns (RES-2022-25 : Downtown Mariposa Activation and Beautification Initiative)

G.1.g

Reply all Delete Junk Block ···

G.1

Online Form Submission #8513 for Public Comment on Board Items

Flag for follow up.

You forwarded this message on Thu 1/6/2022 7:35 PM

N

noreply@civicplus.com
Thu 1/6/2022 3:57 PM

To: Rene LaRoche; Tracy Gauthier; Danielle Bondshu

Public Comment on Board Items

Public comment on Board of Supervisors agenda items can be provided via this form or from the meeting website located at http://www.mariposacounty.org/bosagendas.

***Please indicate the item that this comment applies to, and keep your comments to under 2000 characters (approximately 400 words.)*
***Please note that all comments received will be distributed to the Board members and attached to the Minutes following our normal procedures.*
***The County bears no responsibility for delays caused by lapses in internet service, consequently, we suggest that you submit your comments early to allow for potential delivery lags.*

NAME (Not Required but helps with the Minutes)	Kim Brisack, Coulterville
Please Indicate the Item this comment pertains to:	CalTrans Clean California Local Grant Program to fund downtown Mariposa mural projects
Your position on this item:	Support
Your comment for this item: (Please note: This form is limited to 4000 characters which equals approximately 500 words. Longer communications should be emailed to board-clerk@mariposacounty.org.)	There is an old saying that goes "When the sun shines, it shines for everyone". It was a reference to the idea that the sun's warmth is not reserved for the wealthy but is accessible to everyone. The idea is similar for public art - it allows for 100% of an area's demographic to see it, whereas museums only allow for a small demographic to have access to art. Murals are about empowering and representing different demographics of society. The CalTrans grant is a stepping stone to increasing the visibility of our local communities, and our hope is that it is only the beginning by starting in downtown Mariposa. We expect that the popularity will be a catalyst to spread to further parts of Mariposa, such as Coulterville where I live. Thank you for supporting this grant, it makes a difference!

Attachment: G.1 - PUBLIC COMMENT from Kim Brisack (RES-2022-25 : Downtown Mariposa Activation and Beautification Initiative)

MARIPOSA COUNTY

Planning · 209-966-5151

RESOLUTION - ACTION REQUESTED 2022-26

MEETING: January 11, 2022

TO: The Board of Supervisors

FROM: Sarah Williams, Planning Director

RE: County Code Amendment No. 2021-162 Resolution (Use of Historic Structures)

RECOMMENDATION AND JUSTIFICATION:
Adopt a Resolution Approving County Code Amendment No. 2021-162 with Findings, Including A Finding the Project is Exempt from Environmental Review. Project Adds New Section 17.108.230 to Title 17, Zoning, to Allow Flexibility in the Use of Identified Historic Structures Countywide, Through the Conditional Use Permit Process, if the Project Includes Restoring and Preserving the Historic Structure to Reflect its Original State; County of Mariposa, Project Proponent.

Action is recommended by the Planning Commission and the Historic Sites and Records Preservation Commission.

See attached staff report for additional information.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
1/21/1992: Ordinance 822 adopted, adding similar provisions for historic structures in Town of Mariposa.

8/24/2021: Resolution 2021-499 adopted, initiating County Code Amendment No. 2021-162 for processing.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Amend text in code amendment. May need to return amended project to Planning Commission for review and recommendation.
Negative action would be to deny application. No flexibility for use of historic structures countywide would be established.

FINANCIAL IMPACT:
None

ATTACHMENTS:
1 220111 BOS Staff Report (DOC)
2 220111 BOS Draft Resolution (DOCX)
3 211119 Draft NOE (DOC)

REF ID# 12478

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Wayne Forsythe, District IV Supervisor
SECONDER: Marshall Long, District III Supervisor
AYES: Smallcombe, Sweeney, Long, Forsythe, Menetrey

MARIPOSA PLANNING STAFF REPORT

From: Sarah Williams, Planning Director

Board of Supervisors Meeting Date: January 11th, 2022

PROJECT: County Code Amendment No. 2021-162

PROPOSAL: Add a section to Title 17, Mariposa County Zoning Ordinance, which will allow flexibility in the use of historic structures countywide.

PROPONENT: County of Mariposa

AMENDMENT AREA: Applies countywide

NOTICING: Gazette Ad: December 30, 2021
Posted Notice: December 23, 2021

ACTION: **The Planning Commission recommends that the Board of Supervisors:**

A. Adopt a resolution approving County Code Amendment No. 2021-162 with the recommended findings, including a finding the project is exempt from environmental review

~~B. Waive the first reading and introduce an ordinance amending County Code pursuant to County Code Amendment No. 2021-162.~~

SUMMARY OF AMENDMENT

The amendment will add a new section to Chapter 17.108 (Supplementary Standards) in Title 17 that will address flexibility in the use of historic structures countywide. The new code text will be Section 17.108.230 of Title 17.

The amendment will mirror text in Section 17.334.050 of Title 17, Mariposa County Zoning Ordinance, which contains Special Use Provisions for Historic Structures in the community of Mariposa. Currently, such provisions are limited to the community of Mariposa.

Attachment: 1 220111 BOS Staff Report [Revision 1] (RES-2022-26 : County Code Amendment No. 2021-162 Resolution (Use of Historic

Attachment: 1 220111 BOS Staff Report [Revision 1] (RES-2022-26 : County Code Amendment No. 2021-162 Resolution (Use of Historic

BACKGROUND

The Mariposa County Board of Supervisors adopted Ordinance No. 822 on the 21st day of January 1992 adding Sub-Title 17.300 to Title 17 for the Mariposa Town Planning Area Specific Plan Zoning Regulations. Ordinance No. 822 included Section 17.334.050 establishing Special Use Provisions for Historic Structures. These provisions establish flexibility for uses in identified historic structures if the project includes restoring and preserving the historic structure to reflect its original state. These provisions, which are implemented through the conditional use permit process, are currently only applicable in the town of Mariposa. They have been successfully used to restore and preserve historic structures in the community. Given its success in Mariposa, there has been an interest in establishing similar provisions for historic structures countywide, in the rural areas of Mariposa County.

On August 24th, 2021, the Mariposa County Board of Supervisors adopted Resolution No. 2021-499 to initiate the processing of the amendment to add this new section to the zoning ordinance.

In initiating the amendment, the Board considered the following regarding the proposed amendment:

1. Establishes flexibility to allow for any use to be considered for structures or buildings included on the Mariposa County List of Buildings and Structures with Special Historical or Architectural Significance (or eligible to on such list, as determined by the Historic Sites and Records Preservation Commission, which may require documentation) through the conditional use permit process.
2. A conditional use permit application is a project specific/parcel specific discretionary review. The Planning Commission is the approval authority, and review is at a noticed public hearing. An application may be approved, approved with conditions or denied. California Environmental Quality Act (CEQA) review is required for a conditional use permit.
3. The project would have to be of benefit to the county by requiring the restoration and preservation of the historic structure to reflect its original state.
4. Exterior modifications, alterations, or reconstruction to take place on the structure would be described as part of the conditional use permit application, and if approved by the Planning Commission, would be made part of the conditions granting the permit.
5. Uses which could be a nuisance or have detrimental effects on adjacent properties may not be approved.

The amendment will create incentive for restoring and preserving historic structures, which is a significant benefit to Mariposa County.

RECOMMENDED TEXT OF PROPOSED AMENDMENT

The recommended text of the proposed amendment is as shown in the draft Board of Supervisors' resolution, which is included in this report as an Attachment.

RECOMMENDED FINDINGS OF APPROVAL FOR ZONING AMENDMENT NO. 2021-162

Recommended Findings are as shown in the draft Board of Supervisors' resolution included in this report as an Attachment.

MARIPOSA COUNTY HISTORIC SITES AND RECORDS PRESERVATION COMMISSION RECOMMENDATION

The Historic Sites and Records Preservation Commission (HSRPC) reviewed the proposed amendment at a duly noticed meeting of the Commission on October 18th, 2021. The Commission voted to recommend approval of the amendment.

MARIPOSA COUNTY PLANNING COMMISSION RECOMMENDATION

The Planning Commission reviewed the proposed amendment at a duly noticed meeting of the Commission on November 19th, 2021. The Commission voted to recommend approval of the amendment.

PUBLIC NOTICE

The Board of Supervisors' hearing notice with a summary of the proposed code amendment was published in the Mariposa Gazette on December 30th, 2021. Notices were also posted in 17 community locations throughout the county and on the county's website on December 23rd, 2021.

At the time of publication of this staff report, no public input has been received. Written comments received after publication of the Staff Report shall be supplied to the Commission.

ACTION ON PROJECT

The Board will conduct a public hearing on the project. The Board of Supervisors will take final action on the amendment by way of:

- A Resolution for the amendment text and environmental determination, and
- An Ordinance for the amendments to Title 17.

If the Board takes action to approve the project at the first hearing, a second reading of the ordinance will be scheduled. The second reading of the ordinance approving the amendment to county code will occur two weeks following. The ordinance is effective thirty (30) days after the second reading.

Once the code amendment becomes effective, the process is final.

Attachments Draft Resolution
Draft Notice of Exemption
~~Draft Ordinance~~

Attachment: 1 220111 BOS Staff Report [Revision 1] (RES-2022-26 : County Code Amendment No. 2021-162 Resolution (Use of Historic

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
BOARD OF SUPERVISORS

Resolution
No 2022-

A Resolution Approving County Code Amendment No. 2021-162 to Add Section 17.108.230 to Title 17 to Establish Provisions for Flexiblity in the Use of Historic Structures Countywide

---

WHEREAS, the Mariposa County Board of Supervisors adopted Ordinance No. 822 on the 21st day of January 1992 adding Sub-Title 17.300 to Title 17 for the Mariposa Town Planning Area Specific Plan Zoning Regulations; and

WHEREAS, Ordinance No. 822 included Section 17.334.050 establishing Special Use Provisions for Historic Structures; and

WHEREAS, these provisions establish flexibility for uses in identified historic structures if the project includes restoring and preserving the historic structure to reflect its original state; and

WHEREAS, these provisions, which are implemented through the conditional use permit process, are only applicable in the town of Mariposa; and

WHEREAS, these provisions have been successfully used to restore and preserve historic structures; and

WHEREAS, there is an interest in establishing similar provisions for historic structures countywide, in the rural areas of Mariposa County; and

WHEREAS, the Board of Supervisors adopted Resolution No. 2021-499 initiating the processing of the amendment to add Section 17.108.230 to Chapter 17.108 (Supplementary Standards), of Title 17, Mariposa County Zoning Ordinance, which will allow flexibility in the use of historic structures or buildings countywide, in rural areas; and

WHEREAS, this project is known as County Code Amendment No. 2021-162; and

WHEREAS, the Historic Sites and Records Preservation Commission considered this project at a duly noticed public meeting on the 18th day of October 2021 and recommended approval of the amendment; and

WHEREAS, the Planning Commission considered this project at a duly noticed public hearing on the 19th day of November 2021 and recommended approval of the amendment; and

Attachment: 2 220111 BOS Draft Resolution [Revision 1] (RES-2022-26 : County Code Amendment No. 2021-162 Resolution (Use of Historic

WHEREAS, a duly noticed Board of Supervisors' public hearing on the project was scheduled for the 11th day of January 2022; and

WHEREAS, the Board of Supervisors did hold a public hearing on the noticed date and considered all of the information in the public record, including the Staff Report packet and testimony presented by the public, and the recommendations of the Historic Sites and Records Preservation Commission and the Planning Commission.

NOW BE IT THEREFORE RESOLVED THAT, the Board of Supervisors does hereby adopt a resolution approving an amendment to County Code Title 17 pursuant to County Code Amendment No. 2021-162; with the recommended findings, including a finding the project is exempt from environmental review. The recommended amendment text is as shown in Exhibit 1.

BE IT THEREFORE FINALLY RESOLVED THAT the recommendation for project approval is based on the following findings supported by substantial evidence in the public record:

1. **Finding:** The amendment is in the general public interest, and will not have a significant adverse effect on the general public health, safety, peace, and welfare.

   Evidence: The amendment promotes the general public health, safety, peace, and welfare. Restoring and preserving historic structures and buildings is a significant benefit in Mariposa County given the county's rich historic past. The amendment helps obtain the goal of restoring and preserving historic structures and buildings by providing flexibility in how the structure may be used, regardless of the primary land use or zone in which the structure is located, where it can be demonstrated that the special use will be of benefit to the community through the requirement that the restoration and preservation of a historic structure reflects its original state. The amendment mirrors language in the existing zoning standards for the community of Mariposa, which have have been successful in restoring and preserving historic structures and buildings. The special use provisions for historic structures and buildings can only be granted through the approval of a conditional use permit, a process that requires a noticed public hearing. The amendment text clearly states that the Planning Commission shall follow standard conditional use permit procedures in reviewing special historic structure uses and shall not approve uses which have the potential for creating a public nuisance or have substantial detrimental effect on adjacent property and/or be incompatible in an area.

2. **Finding:** The amendment is desirable for the purpose of improving the Mariposa County General Plan with respect to providing a long term guide for county development and a short term basis for day-to-day decision making.

   Evidence: The Mariposa County General Plan contains a Historic and Cultural Resources Element. This element specifically addresses the issue of the

Attachment: 2 220111 BOS Draft Resolution [Revision 1] (RES-2022-26 : County Code Amendment No. 2021-162 Resolution (Use of Historic

deterioration of historic and cultural resources. The element states that historic buildings of the County are considered part of the economy, helping to define the County's character. Goal 14-3 in the Historic and Cultural Resources Element states the following: *"Use financial incentives and partnership opportunities to preserve historic and cultural resources."* This goal is followed by Policy 14-3a which states: *"Attempt to increase the number of historic resources in Mariposa County that are preserved, protected and/or rehabilitated."* In the context of this amendment, owners of historic structures or buildings are incentivized to restore and rehabilitate the structure or building to its original state providing they have flexibility on how the structure or building may be used. Goal 14-6 in the Historic and Cultural Resources Element states: *"Avoid demolition of destruction of historic and cultural resources."* This amendment helps to implement that goal. The amendment helps to implement the provisions of the General Plan by providing a long term guide for the restoration and rehabilitation of historic structures and buildings and provides a short term basis for day-to-day decision making on individual properties through the conditional use permit process. Section 14.1.04(A) (Zoning, Use, and Design Review) in the Historic and Cultural Resources Element states in part: *"Zoning and design codes implement General Plan policies."* This amendment to the zoning ordinance implement General Plan policies.

3. **Finding:** That amendment conforms to the requirements of state law and county policy.

Evidence: This project has been processed in accordance with State law and county policy, including consultation with local agencies, and public noticing.

4. **Finding:** The amendment is consistent with other guiding policies, goals, policies, and standards of the Mariposa County General Plan.

Evidence: A general plan is required to be internally consistent throughout its varied elements. The Historic and Cultural Resources Element is consistent with the all other elements of the General Plan. Section 14.3 (Related General Plan Elements) in the Historic and Cultural Resources Element specifically addresses the connection between that element and the Economic Development and Regional Tourism elements. This section states that the County's historic and cultural heritage is important in the ability to achieve its economic goals, as set forth in the Economic Development Element. It further states that the County's historic and cultural resources is one of the aspect that the Regional Tourism Element identifies as the basis for programs to encourage visitors tio make extended trips within the County. The amendment assists in implementing the Historic and Cultural Resources Element and therefore the General Plan.

5. **Finding:** County Code Amendment No. 2021-162 is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) – common sense exemption – (there is no possibility the activity in question may have a significant

Attachment: 2 220111 BOS Draft Resolution [Revision 1] (RES-2022-26 : County Code Amendment No. 2021-162 Resolution (Use of Historic

effect on the environment), CEQA Guidelines. The amendment merely establishes zoning provisions to allow flexibility in the use of historic structures or buildings under prescribed conditions. The amendment does not propose a specific development project.

ON MOTION BY Supervisor _____, seconded by Supervisor _____, this resolution is duly passed and adopted this 11th day of January 2022 by the following vote:

AYES:

NOES:

EXCUSED:

ABSTAIN:

_____
_____, Chair
Mariposa County Board of Supervisors

Attest:

_____
René LaRoche, Clerk of the
Board of Supervisors

Attachment: 2 220111 BOS Draft Resolution [Revision 1] (RES-2022-26 : County Code Amendment No. 2021-162 Resolution (Use of Historic

Exhibit 1

Add a new Section 17.108.230 to Chapter 17.108 [Supplementary Standards] of County Code as follows:

17.108.230 Special Use Provisions For Historic Structures

All uses may be considered for structures or buildings included on the List of Historical Resources in Mariposa (or eligible to be on the List of Historical Resources in Mariposa as determined by the Historic Sites and Records Preservation Commission, which may require documentation), with the exception of permitted uses, regardless of the primary land use or zone within which the structure is located subject to the following provisions:

A. The planning commission may approve a conditional use permit on designated historic structures where it is demonstrated that the special use will be of benefit to the community by requiring the restoration and preservation of a historic structure to reflect its original state;

B. All exterior modifications, alterations or reconstruction to take place on the structure are to be described as part of the conditional use permit application, and if approved by the planning commission, are to be made part of the conditions granting the permit;

C. The planning commission shall follow standard conditional use permit procedures in reviewing special historic structure uses and shall not approve uses which have the potential for creating a public nuisance or have substantial detrimental effect on adjacent property. In reviewing such matters, the commission must consider the advantages of preserving a historic structure to the benefit of the county versus the possible negative effects of permitting a normally incompatible use in an area. Such review and deliberation may encompass alternative uses which may be of a lesser negative impact yet achieve the primary purpose of feasible historic preservation and restoration of historic structures;

D. The special use provisions of this section shall only apply to existing historic structures. A building or structure which has been demolished, destroyed or otherwise rendered unusable shall not be subject to these provisions nor shall these provisions apply to proposals which will result in such alterations or remodeling of the historic structure as to cause the structure to lose its original historic character and/or significance.

Attachment: 2 220111 BOS Draft Resolution [Revision 1] (RES-2022-26 : County Code Amendment No. 2021-162 Resolution (Use of Historic

Attachment: 2 220111 BOS Draft Resolution [Revision 1] (RES-2022-26 : County Code Amendment No. 2021-162 Resolution (Use of Historic

MARIPOSA COUNTY
NOTICE OF EXEMPTION

TO: **County Clerk, County of Mariposa**
P.O. Box 247
Mariposa, CA 95338

FROM: **Mariposa County**
Planning Department
P.O. Box 2039
Mariposa, CA 95338

Project Title: County Code Amendment No. 2021-162; Historic Structures

Project Address: Applies countywide

Project Parcels: N/A

Description of Project: This code amendment establishes flexibility for uses in identified historic structures if the project includes restoring and preserving the historic structure to reflect its original state. Code provisions are implemented through the conditional use permit (CUP) process

Name of Public Agency Approving Project: Mariposa County Board of Supervisors

Name of Proponent Carrying Out Project: Mariposa County

Exempt Status: Common Sense Exemption; Section 15061(b)(3)

Reason Why Project Is Exempt: This project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) – common sense exemption – (there is no possibility the activity in question may have a significant effect on the environment), CEQA Guidelines. The amendment merely establishes policies in Title 17, Mariposa County Zoning Ordinance, to allow flexibility for uses in identified historic structures if the project includes restoring and preserving the historic structure to reflect its original state. The amendment does not propose a specific development project.

Lead Agency Contact Person: Sarah Williams, Planning Director

Phone Number: (209) 742-1215

Mariposa County Board of Supervisors
by

_____ _____
Sarah Williams Date
Planning Director

Attachment: 3 211119 Draft NOE (RES-2022-26 : County Code Amendment No. 2021-162 Resolution (Use of Historic Structures))

MARIPOSA COUNTY

Planning · 209-966-5151

ORDINANCE 2022-1171

MEETING: January 11, 2022

TO: The Board of Supervisors

FROM: Sarah Williams, Planning Director

RE: County Code Amendment No. 2021-162 Ordinance (Use of Historic Structures)

RECOMMENDED ACTION AND JUSTIFICATION:

Waive the Second Reading and Adopt an Ordinance Amending Title 17, Zoning, to Add Section 17.108.230 to Chapter 17.108 (Supplementary Standards) to Establish Special Use Provisions for Historic Structures Countywide, in Rural Areas of the County.

Action is recommended by the Planning Commission and Historic Sites and Records Preservation Commission.

See attached staff report for additional information.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

1/11/2022: The Ordinance was Introduced.

1/21/1992: Ordinance 822 adopted, adding similar provisions for historic structures in Town of Mariposa.

8/24/2021: Resolution 2021-499 adopted, initiating County Code Amendment No. 2021-162 for processing.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

The Board can only approve or disapprove the Ordinance adoption.

ATTACHMENTS:
1 220111 BOS Staff Report (PDF)
2 220111 BOS Draft Ordinance for CCA No. 2021-162 (PDF)
4 220128 Summary Ordinance After BOS Action (PDF)

REF ID# 12479

RESULT: **INTRODUCED [UNANIMOUS]** **Next: 1/25/2022 9:00 AM**
MOVER: Marshall Long, District III Supervisor
SECONDER: Tom Sweeney, District II Supervisor
AYES: Smallcombe, Sweeney, Long, Forsythe, Menetrey

.

MARIPOSA PLANNING STAFF REPORT

From: Sarah Williams, Planning Director

Board of Supervisors Meeting Date: January 11th, 2022

PROJECT: County Code Amendment No. 2021-162

PROPOSAL: Add a section to Title 17, Mariposa County Zoning Ordinance, which will allow flexibility in the use of historic structures countywide.

PROPONENT: County of Mariposa

AMENDMENT AREA: Applies countywide

NOTICING: Gazette Ad:
Posted Notice:

ACTION: **The Planning Commission recommends that the Board of Supervisors:**

~~A. Adopt a resolution approving County Code Amendment No. 2021-162 with the recommended findings, including a finding the project is exempt from environmental review~~

B. Waive the first reading and introduce an ordinance amending County Code pursuant to County Code Amendment No. 2021-162.

SUMMARY OF AMENDMENT

The amendment will add a new section to Chapter 17.108 (Supplementary Standards) in Title 17 that will address flexibility in the use of historic structures countywide. The new code text will be Section 17.108.230 of Title 17.

The amendment will mirror text in Section 17.334.050 of Title 17, Mariposa County Zoning Ordinance, which contains Special Use Provisions for Historic Structures in the community of Mariposa. Currently, such provisions are limited to the community of Mariposa.

Attachment: 1 220111 BOS Staff Report (2022-ORD-1171 : County Code Amendment No. 2021-162 Ordinance (Use of Historic Structures))

BACKGROUND

The Mariposa County Board of Supervisors adopted Ordinance No. 822 on the 21st day of January 1992 adding Sub-Title 17.300 to Title 17 for the Mariposa Town Planning Area Specific Plan Zoning Regulations. Ordinance No. 822 included Section 17.334.050 establishing Special Use Provisions for Historic Structures. These provisions establish flexibility for uses in identified historic structures if the project includes restoring and preserving the historic structure to reflect its original state. These provisions, which are implemented through the conditional use permit process, are currently only applicable in the town of Mariposa. They have been successfully used to restore and preserve historic structures in the community. Given its success in Mariposa, there has been an interest in establishing similar provisions for historic structures countywide, in the rural areas of Mariposa County.

On August 24th, 2021, the Mariposa County Board of Supervisors adopted Resolution No. 2021-499 to initiate the processing of the amendment to add this new section to the zoning ordinance.

In initiating the amendment, the Board considered the following regarding the proposed amendment:

1. Establishes flexibility to allow for any use to be considered for structures or buildings included on the Mariposa County List of Buildings and Structures with Special Historical or Architectural Significance (or eligible to on such list, as determined by the Historic Sites and Records Preservation Commission, which may require documentation) through the conditional use permit process.
2. A conditional use permit application is a project specific/parcel specific discretionary review. The Planning Commission is the approval authority, and review is at a noticed public hearing. An application may be approved, approved with conditions or denied. California Environmental Quality Act (CEQA) review is required for a conditional use permit.
3. The project would have to be of benefit to the county by requiring the restoration and preservation of the historic structure to reflect its original state.
4. Exterior modifications, alterations, or reconstruction to take place on the structure would be described as part of the conditional use permit application, and if approved by the Planning Commission, would be made part of the conditions granting the permit.
5. Uses which could be a nuisance or have detrimental effects on adjacent properties may not be approved.

The amendment will create incentive for restoring and preserving historic structures, which is a significant benefit to Mariposa County.

RECOMMENDED TEXT OF PROPOSED AMENDMENT

The recommended text of the proposed amendment is as shown in the draft Board of Supervisors' resolution, which is included in this report as an Attachment.

RECOMMENDED FINDINGS OF APPROVAL FOR ZONING AMENDMENT NO. 2021-162

Recommended Findings are as shown in the draft Board of Supervisors' resolution included in this report as an Attachment.

Attachment: 1 220111 BOS Staff Report (2022-ORD-1171 : County Code Amendment No. 2021-162 Ordinance (Use of Historic Structures))

MARIPOSA COUNTY HISTORIC SITES AND RECORDS PRESERVATION COMMISSION RECOMMENDATION

The Historic Sites and Records Preservation Commission (HSRPC) reviewed the proposed amendment at a duly noticed meeting of the Commission on October 18th, 2021. The Commission voted to recommend approval of the amendment.

MARIPOSA COUNTY PLANNING COMMISSION RECOMMENDATION

The Planning Commission reviewed the proposed amendment at a duly noticed meeting of the Commission on November 19th, 2021. The Commission voted to recommend approval of the amendment.

PUBLIC NOTICE

The Board of Supervisors' hearing notice with a summary of the proposed code amendment was published in the Mariposa Gazette on December 30th, 2021. Notices were also posted in 17 community locations throughout the county and on the county's website on December 23rd, 2021.

At the time of publication of this staff report, no public input has been received. Written comments received after publication of the Staff Report shall be supplied to the Commission.

ACTION ON PROJECT

The Board will hold a public hearing on the project. The Board of Supervisors will take final action on the amendment by way of:

- A Resolution for the amendment text and environmental determination, and
- An Ordinance for the amendments to Title 17.

If the Board takes action to approve the project at the first hearing, a second reading of the ordinance will be scheduled. The second reading of the ordinance approving the amendment to county code will occur two weeks following. The ordinance is effective thirty (30) days after the second reading.

Once the code amendment becomes effective, the process is final.

Attachments ~~Draft Resolution~~
~~Draft Notice of Exemption~~
Draft Ordinance

Attachment: 1 220111 BOS Staff Report (2022-ORD-1171 : County Code Amendment No. 2021-162 Ordinance (Use of Historic Structures))

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
BOARD OF SUPERVISORS

MARIPOSA COUNTY ORDINANCE NO. _____

AN ORDINANCE ADDING SECTION 17.108.230 SPECIAL USE PROVISIONS FOR HISTORIC STRUCTURES TO MARIPOSA COUNTY CODE, ZONING

WHEREAS, the Mariposa County Board of Supervisors adopted Resolution No 2021-499 on the 24th day of August 2021 initiating County Code Amendment No. 2021-162; and

WHEREAS, County Code Amendment No. 2021-162 amends Title 17, Zoning to add a new Section 17.108.230 establishing Special Use Provisions for Historic Structures countywide; and

WHEREAS, the Board of Supervisors considered these amendments at a duly noticed public meeting on the 11th day of January 2022 in accordance with State law and County Code; and

WHEREAS, the amendment was found to be is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA guidelines Section 15061(b)(3), the Common Sense Exemption, as there is no possibility the activity in question may have a significant effect on the environment.

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIPOSA, STATE OF CALIFORNIA ORDAINS AS FOLLOWS:

Section I: A new Section 17.108.230 Special Use Provisions for Historic Structures is added to Title 17, Zoning, Mariposa County Code as follows:

17.108.230 Special Use Provisions For Historic Structures

All uses may be considered for structures or buildings included on the List of Historical Resources in Mariposa (or eligible to be on the List of Historical Resources in Mariposa as determined by the Historic Sites and Records Preservation Commission, which may require documentation), with the exception of permitted uses, regardless of the primary land use or zone within which the structure is located subject to the following provisions:

A. The planning commission may approve a conditional use permit on designated historic structures where it is demonstrated that the special use will be of benefit to the community by requiring the restoration and preservation of a historic structure to reflect its original state;

B. All exterior modifications, alterations or reconstruction to take place on the structure are to be described as part of the conditional use permit application, and if approved by the planning commission, are to be made part of the conditions granting the permit;

C. The planning commission shall follow standard conditional use permit procedures in reviewing special historic structure uses and shall not approve uses which have the potential for creating

Attachment: 2 220111 BOS Draft Ordinance for CCA No. 2021-162 (2022-ORD-1171 : County Code Amendment No. 2021-162 Ordinance (Use of

a public nuisance or have substantial detrimental effect on adjacent property. In reviewing such matters, the commission must consider the advantages of preserving a historic structure to the benefit of the county versus the possible negative effects of permitting a normally incompatible use in an area. Such review and deliberation may encompass alternative uses which may be of a lesser negative impact yet achieve the primary purpose of feasible historic preservation and restoration of historic structures;

D. The special use provisions of this section shall only apply to existing historic structures. A building or structure which has been demolished, destroyed or otherwise rendered unusable shall not be subject to these provisions nor shall these provisions apply to proposals which will result in such alterations or remodeling of the historic structure as to cause the structure to lose its original historic character and/or significance.

Section II: If any provision of this ordinance is held to be unconstitutional, preempted by federal law, or otherwise invalid by any court or competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated.

Section III: This ordinance shall become effective thirty (30) days after final passage pursuant to Government Code Section 25123.

PASSED AND ADOPTED on this ____ day of _____ 2022 by the following vote:

AYES:
NOES:
EXCUSED:
ABSTAINED:

_____
, Chair
Mariposa County Board of Supervisors

Attest:

_____
René LaRoche
Clerk of the Board of Supervisors

APPROVED AS TO FORM:

_____
Steven W. Dahlem
County Counsel

Attachment: 2 220111 BOS Draft Ordinance for CCA No. 2021-162 (2022-ORD-1171 : County Code Amendment No. 2021-162 Ordinance (Use of

MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF ADOPTED ORDINANCE No. ???? AMENDING MARIPOSA COUNTY CODE TO ADD SECTION 17.108.230 SPECIAL USE PROVISIONS FOR HISTORIC STRUCTURES

Notice is hereby given that on **Tuesday, January 25, 2022**, at its regularly scheduled meeting, the Mariposa County Board of Supervisors adopted an ordinance adding Section 17.108.230 Special Use Provisions for Historic Structures to the Mariposa County Code. The amendment establishes flexibility for uses in identified historic structures if the project includes restoring and preserving the historic structure to reflect its original state. These provisions will be implemented through the conditional use permit process.

A certified copy of the full text of this ordinance is posted for public review in the Office of the Clerk of the Board of Supervisors at 5100 Bullion Street, Mariposa, California, and is available for public inspection and copying in that office in accordance with the California Public Records Act, Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1.

Voting on the Ordinance was as follows:

AYES:
NOES:
EXCUSED:

RENÉ LaROCHE
Clerk of the Board

Attachment: 4 220128 Summary Ordinance After BOS Action (2022-ORD-1171 : County Code Amendment No. 2021-162 Ordinance (Use of

MARIPOSA COUNTY

Public Works · 209-966-2498

RESOLUTION - ACTION REQUESTED 2022-27

MEETING: January 11, 2022

TO: The Board of Supervisors

FROM: Shannon Hansen, Interim Director of Public Works & Transportation

RE: Update on Emergency Repair Work on White Rock Road

RECOMMENDATION AND JUSTIFICATION:
Review Emergency Repair Work on White Rock Road as Required by Public Contract Code Section 22050(c)(1); and Adopt a Finding that There is a Need to Continue the Emergency Action Pursuant to Public Contract Code Section 22050

BACKGROUND AND HISTORY OF BOARD ACTIONS:
On October 14, 2021, an inspection occurred on a 10 ft x 10 ft box culvert located on White Rock Road approximately 0.40 miles north of the bridge across Mariposa Creek. The inspection revealed that there was extreme deterioration of the reinforced concrete structure and exposed steel throughout the concrete structure. The culvert posed a clear and imminent danger, requiring immediate action to prevent the loss or impairment of life, health, property, or essential public services.

On November 2, 2021, pursuant to Resolution 2021-606, the Board authorized an agreement with Palmer Tractor for emergency repair work on the box culvert located on White Rock Road.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
If the Board does not review this action and determine, by a four-fifths vote, that there is a need to continue the emergency action, the emergency contracting procedures contained in Public Contract Code Sections 22050 may not be utilized.

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Marshall Long, District III Supervisor
SECONDER: Wayne Forsythe, District IV Supervisor
AYES: Smallcombe, Sweeney, Long, Forsythe, Menetrey

REF ID# 12438

MARIPOSA COUNTY

Planning · 209-966-5151

RESOLUTION - ACTION REQUESTED 2022-29

MEETING: January 11, 2022

TO: The Board of Supervisors

FROM: Sarah Williams, Planning Director

RE: Commercial-Industrial-Manufacturing (CIM) Plan No. 2021-124; Wildhaven Yosemite

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RECOMMENDATION AND JUSTIFICATION:
PUBLIC HEARING: Resolution Adopting a Mitigated Negative Declaration and Approving Commercial-Industrial-Manufacturing (CIM) Plan No. 2021-124 for Wildhaven Yosemite, an 80-unit Glamping Project, with Findings, Conditions, and Mitigation Measures. The Project is Located at 4808 Highway 140, APN 012-180-056. CalCamp2 LLC Dba Wildhaven Yosemite, Applicant.

The Wildhaven Yosemite Project is proposed to be developed on the current site of the 36-acre Yosemite Ziplines and Adventure Ranch Property. The project proposes to construct 80 canvas tents in two (2) phases with accessory facilities, including platform tents, a bathhouse, parking spaces, on-site water and sewer facilities, and other support facilities.

The recommended action is the Planning Commission's recommendation (Planning Commission Resolution No. 2021-21).

See Staff Report for detailed information.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
March 15, 2011 - BOS Resolution No. 2011-93 approved General Plan/Zoning Amendment No. 2010-128 (a general plan land use and zone change to the Rural Economic Land Use and the Resort Commercial Zone) and CIM Plan No. 2010-150, the site plan for the Yosemite Zipline and Adventure Ranch

April 5, 2011 - BOS Ordinance No. 1077 amending the zone of the project site to Resort Commercial

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Alternatives: Amend findings and/or conditions.
Negative Action: Deny project (basis for denial recommended would have to be established, considering required findings). A negative action would result in inability for the project to be completed.

ATTACHMENTS:
Staff Report (DOCX)
Initial Study (PDF)
Draft MND (DOCX)
Site Plans (PDF)
Resolution (DOCX)
PPT Presentation (PDF)

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Marshall Long, District III Supervisor
SECONDER: Wayne Forsythe, District IV Supervisor
AYES: Smallcombe, Sweeney, Long, Forsythe, Menetrey

22-038

AGREEMENT FOR WATER AND SEWER RATE STUDIES AND ROAD ASSESSMENT

THIS AGREEMENT ("Agreement") is made and entered into this _____ day of _____, 2021, by and between the County of Mariposa, a political subdivision of the State of California, ("County"), and Bartle Wells Associates ("Contractor"), pursuant to the following terms and conditions.

W I T N E S S E T H:

1. TERM

The term of this Agreement shall commence on Januart 4, 2022, and terminate on December 31, 2022, unless extended as provided by this Agreement.

2. SERVICES

Contractor shall perform Rate Study and Assessment as described in Exhibit A, "Scope of Work," which is attached hereto and incorporated herein by reference. Contractor shall provide all staffing and materials necessary to perform the Scope of Work.

3. COMPENSATION

Contractor shall be compensated for services performed in an amount not to exceed $25,000. Contractor's hourly rates are listed in Exhibit B, "Cost Proposal." County shall pay Contractor within thirty (30) of receipt of an approved invoice.

4. INSURANCE

Contractor shall procure and maintain for the duration of this Agreement insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by Contractor, its agents, representatives, or employees.

A. MINIMUM SCOPE AND LIMIT OF INSURANCE

Coverage shall be at least as broad as:

(1) Commercial General Liability (CGL): Insurance Services Office (ISO) Form CG 00 01 covering CGL on an "occurrence" basis, including products and completed operations, property damage, bodily injury and personal and advertising injury with limits no less than $2,000,000 per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location (ISO CG 25 03 or 25 04) or the general aggregate limit shall be twice the required occurrence limit.

(2) Automobile Liability: ISO Form Number CA 00 01 covering any auto (Code 1), or if Contractor has no owned autos, hired (Code 8) and non-owned autos (Code 9), with limits no less than $1,000,000 per accident for bodily injury and property damage.

Attachment: Bartle Wells 22-038 Water Sewer & Roads (RES-2022-28 : Approve an Agreement with Bartle Wells Associates for a Rate Study and

(3) Workers' Compensation insurance as required by the State of California, with Statutory Limits, and Employer's Liability Insurance with a limit of no less than $1,000,000 per accident for bodily injury or disease.

(4) Professional Liability (Errors and Omissions): Insurance appropriate to Contractor's profession, with a limit of no less than $2,000,000 per occurrence or claim, $2,000,000 aggregate.

If Contractor maintains broader coverage and/or higher limits than the minimums shown above, County requires and shall be entitled to the broader coverage and/or higher limits maintained by Contractor. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to County.

B. OTHER INSURANCE PROVISIONS

The insurance policies are to contain, or be endorsed to contain, the following provisions:

(1) Additional Insured Status: County, its officers, officials, employees, and volunteers are to be covered as additional insureds on the CGL policy with respect to liability arising out of work or operations performed by or on behalf of Contractor including materials, parts, or equipment furnished in connection with such work or operations. General liability coverage can be provided in the form of an endorsement to Contractor's insurance (at least as broad as ISO Form CG 20 10 11 85 or if not available, through the addition of both CG 20 10 and CG 20 37 forms if a later edition is used).

(2) Primary Coverage: For any claims related to this Agreement, Contractor's insurance coverage shall be primary insurance as respects County, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by County, its officers, officials, employees, or volunteers shall be excess of Contractor's insurance and shall not contribute with it.

(3) Notice of Cancellation: Each insurance policy required above shall state that coverage shall not be canceled, except with at least thirty (30) calendar days' notice to County.

(4) Waiver of Subrogation: Contractor hereby grants to County a waiver of any right to subrogation which any insurer of said Contractor may acquire against County by virtue of the payment of any loss under such insurance. Contractor agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation, but this provision applies regardless of whether or not County has received a waiver of subrogation endorsement from the insurer.

(5) Deductibles and Self-Insured Retentions: Any deductibles or self-insured retentions must be declared to and approved by County. County may require Contractor to purchase coverage with a lower deductible or retention or provide proof of ability to pay losses and related investigations, claim administration, and defense expenses within the retention.

(6) Acceptability of Insurers: Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A: VII, unless otherwise acceptable to County.

(7) Verification of Coverage: Contractor shall furnish County with original certificates and amendatory endorsements or copies of the applicable policy language effecting coverage

Attachment: Bartle Wells 22-038 Water Sewer & Roads (RES-2022-28 : Approve an Agreement with Bartle Wells Associates for a Rate Study and

required by this clause. All certificates and endorsements are to be received and approved by County before work commences. However, failure to obtain the required documents prior to the work beginning shall not waive Contractor's obligation to provide them. County reserves the right to require complete, certified copies of all required insurance policies, including endorsements required by these specifications, at any time.

(8) Subcontractors: Contractor shall require and verify that all subcontractors maintain insurance meeting all the requirements stated herein, and Contractor shall ensure that County is an additional insured on insurance required from subcontractors.

(9) Special Risks or Circumstances: County reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other special circumstances.

4. HOLD HARMLESS/INDEMNIFICATION

To the fullest extent permitted by law, Contractor shall hold harmless, defend at its own expense, and indemnify County, its officers, employees, agents, and volunteers, against any and all liability, claims, losses, damages, or expenses, including reasonable attorney's fees, arising from all acts or omissions of Contractor or its officers, agents, or employees in rendering services under this Agreement; excluding however such liability, claims, losses, damages, or expenses arising from County's sole negligence of willful acts.

6. INDEPENDENT CONTRACTOR

It is the expressed intention of the parties that Contractor is an independent contractor and not an employee, agent, joint venturer or partner of County. Nothing in this Agreement shall be interpreted or construed as creating or establishing the relationship of employer and employee between County and Contractor or any employee or agent of Contractor. Both parties acknowledge that Contractor is not an employee for state or federal tax purposes. Contractor shall retain the right to perform services for others during the term of this Agreement.

7. PUBLIC EMPLOYEES RETIREMENT SYSTEM (CALPERS)

In the event that Contractor or any employee, agent, or subcontractor of Contractor providing services under this Agreement is determined by a court of competent jurisdiction or the Public Employees Retirement System (CalPERS) to be eligible for enrollment in CalPERS as an employee of County, Contractor shall indemnify, defend, and hold harmless County for the payment of any employee and/or employer contributions for CalPERS benefits on behalf of Contractor or its employees, agents, or subcontractors, as well as for the payment of any penalties and interest on such contributions, which would otherwise be the responsibility of County.

8. STATE AND FEDERAL TAXES

As Contractor is not County's employee, Contractor is responsible for paying all required state and federal taxes. In particular:

a. County will not withhold FICA (Social Security) from Contractor's payments;

Attachment: Bartle Wells 22-038 Water Sewer & Roads (RES-2022-28 : Approve an Agreement with Bartle Wells Associates for a Rate Study and

b. County will not make state or federal unemployment insurance contributions on behalf of Contractor;
c. County will not withhold state or federal income tax from payment to Contractor;
d. County will not make disability insurance contributions on behalf of Contractor;
e. County will not obtain workers' compensation insurance on behalf of Contractor.

9. AUDITS AND INSPECTIONS

Contractor shall at any time during business hours, and as often as County may deem necessary, make available to County for examination all of its records and data with respect to the matters covered by this Agreement. Contractor shall, upon the request of County, permit County to audit and inspect all of such records and data necessary to ensure Contractor's compliance with the terms of this Agreement. If compensation to be paid by County under this Agreement exceeds

Ten Thousand Dollars ($10,000), Contractor shall be subject to the examination and audit of the California State Auditor, as provided in Government Code section 8546.7, for a period of three (3) years after final payment under this Agreement. This section survives the termination of this Agreement.

10. ASSIGNMENT

It is understood and agreed that this Agreement contemplates personal performance by Contractor and is based upon a determination of its unique personal competence and experience and upon its specialized personal knowledge. Assignments of any or all rights, duties or obligations of Contractor under this Agreement will be permitted only with the express written consent of County.

11. NOTICE

Any and all notices, reports or other communications to be given to County or Contractor shall be given to the persons representing the respective parties at the following addresses:

CONTRACTOR:
Bartle Well Associates
2625 Alcatraz Ave. #602
Berkeley, CA 94705
510.653.3399

COUNTY:
Mariposa County
4639 Ben Hur Rd.
Mariposa, CA 95338
209.966.5356

12. COMPLIANCE

Contractor shall comply with all federal, state and local laws, codes, ordinances and regulations applicable to Contractor's performance under this Agreement, including, but not limited to, laws related to prevailing wages. Specifically, Contractor shall not engage in unlawful employment discrimination, including, but not limited to, discrimination based upon a person's race, religion, color, national origin, ancestry, physical handicap, medical condition, marital status, gender, citizenship or sexual orientation, as prohibited by state or federal law.

Attachment: Bartle Wells 22-038 Water Sewer & Roads (RES-2022-28 : Approve an Agreement with Bartle Wells Associates for a Rate Study and

13. PUBLIC RECORDS ACT

Contractor is aware that this Agreement and any documents provided to County may be subject to the California Public Records Act and may be disclosed to members of the public upon request. It is the responsibility of Contractor to clearly identify information in those documents that it considers to be confidential under the California Public Records Act.

To the extent that County agrees with that designation, such information will be held in confidence whenever possible. All other information will be considered public.

14. ENTIRE AGREEMENT AND MODIFICATION

This Agreement contains the entire agreement of the parties relating to the subject matter of this Agreement and supersedes all prior agreements and representations with respect to the subject matter hereof. This Agreement may only be modified by a written amendment hereto, executed by both parties. If there are exhibits attached hereto, and a conflict exists between the terms of this Agreement and any exhibit, the terms of this Agreement shall control.

15. ENFORCEABILITY AND SEVERABILITY

The invalidity or enforceability of any term or provisions of this Agreement shall not, unless otherwise specified, affect the validity or enforceability of any other term or provision, which shall remain in full force and effect.

16. TERMINATION AND RIGHTS UPON TERMINATION

A. This Agreement may be terminated upon mutual written consent of the parties, or as a remedy available at law or in equity. In the event of the termination of this Agreement, Contractor shall be entitled to compensation for services performed acceptably up to the effective date of termination as set forth in Exhibit B.

B. Either party may terminate this Agreement for convenience upon Thirty (30) calendar days' written notice to the other party. Upon termination for convenience, Contractor shall be entitled to compensation for services performed acceptably up to the effective date of termination, as set forth in Exhibit B.

C. Should Contractor default in the performance of this Agreement or materially breach any of its provisions, County, at its option, may terminate this Agreement by giving written notification to Contractor. The termination date shall be the effective date of the notice. For the purposes of this subsection, default or material breach of this Agreement shall include, but not be limited to, any of the following: failure to perform required services in a timely manner, willful destruction of County property, dishonesty, or theft.

17. NO WAIVER

The failure to exercise any right to enforce any remedy contained in this Agreement shall not operate as to be construed to be a waiver or relinquishment of the exercise of such right or remedy, or of any other right or remedy herein contained.

Attachment: Bartle Wells 22-038 Water Sewer & Roads (RES-2022-28 : Approve an Agreement with Bartle Wells Associates for a Rate Study and

Attachment: Bartle Wells 22-038 Water Sewer & Roads (RES-2022-28 : Approve an Agreement with Bartle Wells Associates for a Rate Study and

18. DISPUTES

Should it become necessary for a party to this Agreement to bring an action in connection with

this Agreement, the prevailing party in any such action shall be entitled to reimbursement for all expenses so incurred, including reasonable attorney's fees. It is agreed by the parties hereto that unless otherwise expressly waived by them, any action brought to enforce any of the provisions hereof or for declaratory relief hereunder shall be filed and remain in a court of competent jurisdiction in the County of Mariposa, State of California.

19. CAPTIONS

The captions of this Agreement are for convenience and reference only and the words contained therein shall in no way be held to explain, modify, amplify or aid in the interpretation, construction or meaning of the provisions of this Agreement.

20. NUMBER AND GENDER

In this Agreement, the neutral gender includes the feminine and masculine, the singular includes the plural, and the word "person" includes corporations, partnerships, firms or associations, wherever the context so requires.

21. MANDATORY AND PERMISSIVE

"Shall" is mandatory. "May" is permissive.

22. SUCCESSORS AND ASSIGNS

All representations, covenants and warranties specifically set forth in this Agreement, by or on behalf of, or for the benefit of any or all of the parties hereto, shall be binding upon and inure to the benefit of such party, its successors and assigns.

23. COUNTERPARTS/ELECTRONIC, FACSIMILE, AND PDF SIGNATURES

This agreement may be executed in any number of counterparts, each of which will be an original, but all of which together will constitute one instrument. Each Party of this agreement agrees to the use of electronic signatures, such as digital signatures that meet the requirements of the California Uniform Electronic Transactions Act ("CUETA"), Cal. Civ. Code §§ 1633.1 to 1633.17), for executing this Agreement. The parties further agree that the electronic signatures of the parties included in this Agreement are intended to authenticate this writing and to have the same force and effect as manual signatures. Electronic signature means an electronic sound, symbol, or process attached to or logically associated with an electronic record and executed or adopted by a person with the intent to sign the electronic record pursuant to the CUETA, as amended from time to time. The CUETA authorizes use of an electronic signature for transactions and contracts among parties in California, including a government agency. Digital signature means an electronic identifier, created by computer, intended by the party using it to have the same force and effect as the use of a manual signature, and shall be reasonably relied upon by the parties. For purposes of this section, a digital signature is a type of "electronic signature" as defined in subdivision (i) of Section 1633.2 of the Civil Code. Facsimile signatures or signatures transmitted via pdf document shall be treated as originals for all purposes.

24. OTHER DOCUMENTS

The parties agree that they shall cooperate in good faith to accomplish the object of this Agreement and, to that end, agree to execute and deliver such other and further instruments and documents as may be necessary and convenient to the fulfillment of these purposes.

25. CONTROLLING LAW

The validity, interpretation and performance of this Agreement shall be controlled by and construed under the laws of the State of California.

26. AUTHORITY

Each party and each party's signatory warrant and represent that each has full authority and capacity to enter into this Agreement in accordance with all requirements of law. The parties also warrant that any signed amendment or modification to this Agreement shall comply with all requirements of law, including capacity and authority to amend or modify this Agreement.

27. NEGOTIATED AGREEMENT

This Agreement has been arrived at through negotiation between the parties. Neither party is to be deemed the party which prepared this Agreement within the meaning of California Civil Code section 1654. Each party represents and warrants that in executing this Agreement it does so with full knowledge of the rights and duties it may have with respect to the other party. Each party also warrants and represents that it has received independent legal advice from its attorney with respect to the matters set forth in this Agreement and the rights and duties arising out of this Agreement, or that such party willingly foregoes any such consultation.

28. NO RELIANCE ON REPRESENTATIONS

Each party warrants and represents that it is not relying and has not relied upon any representation or statement made by the other party with respect to the facts involved or its rights or duties. Each party understands and agrees that the facts relevant, or believed to be relevant to this Agreement, have been independently verified. Each party further understands that it is responsible for verifying the representations of law or fact provided by the other party.

29. WARRANTY

County has relied upon the professional ability and training of Contractor as a material inducement to enter into this Agreement. Contractor hereby warrants that all work shall be performed in accordance with generally accepted professional practices and standards as well as the requirements of applicable federal, state and local laws, it being understood that acceptance of Contractor's work by County shall not operate as a waiver or release.

30. FUNDING AVAILABILITY

It is mutually agreed that if the County budget of the current fiscal year and/or any subsequent fiscal year covered under this Agreement does not appropriate sufficient funds for this Agreement, this Agreement shall terminate and be of no further force and effect upon the day notice is provided by County to Contractor of such event. Upon termination of this Agreement, County shall have no

Attachment: Bartle Wells 22-038 Water Sewer & Roads (RES-2022-28 : Approve an Agreement with Bartle Wells Associates for a Rate Study and

liability to pay any funds whatsoever to Contractor or to furnish any other considerations under this Agreement except for services rendered prior to such termination and Contractor shall not be obligated to perform any provisions of this Agreement. Contractor's assumption of risk of possible non-appropriation is part of the consideration for this Agreement. County budget decisions are subject to the discretion of the Board of Supervisors.

If funding for any fiscal year is reduced or deleted by the County budget for purposes of this Agreement, the County shall have the option to either cancel this Agreement with no liability occurring to the County, except County must reimburse Contractor for services rendered prior to such reduction or modification of the County budget, or offer an amendment to this Agreement to Contractor to reflect the reduced amount.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first written above.

COUNTY OF MARIPOSA	CONTRACTOR
Rosemarie Smallcombe, Chair Board of Supervisors	Bartle Wells Associates

APPROVED AS TO LEGAL FORM:

Steven W. Dahlem
County Counsel

Attachment: Bartle Wells 22-038 Water Sewer & Roads (RES-2022-28 : Approve an Agreement with Bartle Wells Associates for a Rate Study and

BARTLE WELLS ASSOCIATES
INDEPENDENT PUBLIC FINANCE ADVISORS

2625 Alcatraz Ave, #602
Berkeley, CA 94705
Tel 510 653 3399
www.bartlewells.com

September 21, 2021

Larry Harris
Mariposa County Public Works
4639 Ben Hur Rd.
Mariposa, CA 95338

Re: Proposal for Water and Sewer Rate Studies and Roads Assessment Engineers Report

Dear Larry,

Bartle Wells Associates (BWA) is pleased to submit this proposal to provide consulting services related to updating the Water and Sewer Rate Study and Roads Assessment Engineers Report for Yosemite West Maintenance District, a Water and Sewer Rate Study for Coulterville Service Area, and Sewer Rate studies for Don Pedro and Mariposa Pines Service Areas. BWA is an independent consulting firm that specializes in project financing, financial planning, and rate setting for California water and wastewater agencies. We have advised over 550 public agency clients and completed over 3,000 project assignments. BWA has the diversity of experience and distinctive abilities to evaluate all types of utility rate and financial issues faced today by local governments and to recommend the best solutions.

We propose to assign Douglas R. Dove, president of BWA and one of our principals, to direct the work for you. Doug has served as rate consultant and financial advisor for over 30 years. We also propose to assign Michael DeGroot as a consultant. Their resumes are attached.

BWA will assist the County in preparing five-year proposed rate schedules and long-range financial plans for water and sewer rates and a Roads Assessment Engineers Report. The analysis includes a financial plan for maintaining District roads.

The Roads Assessment Engineers Report will explain the reason for the proposed assessment, the total amount chargeable to the entire District, the amount per parcel benefiting from the roads, and the basis for the calculation.

Services

Bartle Wells Associates, working closely with County staff and the County's other consultants and legal advisors, will perform the following services in connection with the development the report:

- Assemble and review pertinent information
- Draft Water and Sewer Rate Studies
- Draft Roads Assessment Engineers report
- Work with County staff, associated consultants and legal counsel to refine reports
- Revise water and sewer rate public notices as needed
- Revise roads assessment public notice as needed

Attachment: Bartle Wells 22-038 Water Sewer & Roads (RES-2022-28 : Approve an Agreement with Bartle Wells Associates for a Rate Study and

Availability and Fees

- We are prepared to begin work upon acceptance of this proposal.
- The fee for professional services is payable as provided in Billing Rate Schedule 2021 (attached). Services will be billed on a time and materials basis with a not-to-exceed amount of $25,000 including all fees and expenses.

Yosemite West Maintenance District (Study Update)

- The Water Rate Study cost shall not exceed $3,000, including all fees and expenses.
- The Sewer Rate Study cost shall not exceed $3,000, including all fees and expenses.
- The Roads Assessment Engineers Report cost shall not exceed $3,000, including all fees and expenses.

Coulterville Service Area

- The Water Rate Study cost shall not exceed $4,000, including all fees and expenses.
- The Sewer Rate Study cost shall not exceed $4,000, including all fees and expenses.

Don Pedro Service Area

- The Sewer Rate Study cost shall not exceed $4,000, including all fees and expenses.

Mariposa Pines Service Area

- The Sewer Rate Study cost shall not exceed $4,000, including all fees and expenses.

- We will keep the County informed of the status of our billings as the work proceeds.
- Progress payments and direct expenses are payable as the work proceeds as provided in our Billing Rate Schedule 2021.
- This proposal may be withdrawn or amended if not accepted within 90 days of its date.

We would very much like to work for the County on this assignment and hope that this proposal will constitute a suitable basis for our serving you. If our proposal is acceptable to you, please countersign one copy of this letter and return it to us. Please call if you have any questions.

Very truly yours,

BARTLE WELLS ASSOCIATES

Douglas R. Dove, PE, CIPMA
President

Michael DeGroot
Assistant Vice President

Bartle Wells Associates is authorized to provide the services outlined above, at the fee stated.

By:_____ Date:_____

For: Mariposa County

Attachment: Bartle Wells 22-038 Water Sewer & Roads (RES-2022-28 : Approve an Agreement with Bartle Wells Associates for a Rate Study and

DOUGLAS R. DOVE

Project Manager/Principal-in-Charge

Douglas R. Dove is President of Bartle Wells Associates and a principal consultant with over twenty-five years of infrastructure finance and cost of service ratemaking experience. He specializes in strategic financial planning, bond marketing, utility rate setting, and development impact fees. Since joining BWA in 1990, he has worked for a wide variety of public agencies and developed financing plans to support over 150 public works capital programs.

Mr. Dove assists public agencies in evaluating financing alternatives for capital projects, conducting utility rate and development impact fee studies, and in securing project financing including state and federal grants and loans and bonds. He has extensive experience developing rates and charges for water, wastewater, reclaimed water, and stormwater enterprises. He has substantial experience representing public agencies as an independent financial advisor on the issuance of debt.

Representative Assignments

City of Davis: Water rate study with Davis Water Advisory Committee. Included financing plan for $135 million surface water project.
City of Monterey: Sewer system rehabilitation plan and rate study for $20 million sewer system rehabilitation project.
Sunnyslope CWD: Water and wastewater rate studies and connection fees, financing plan for wastewater treatment plant, procurement of $11.5 million SRF loan for wastewater treatment plant.
East Bay Municipal Utility District: Water system rate study and connection fee review. Wastewater cost allocation study and review of capacity fee, financial evaluation of District's Resource Recovery Program. Review of Wet Weather Facilities Charges collected on county property tax bills.
Valley Springs Public Utility District: Water and sewer rate studies.
West Valley Sanitation District: 5-year financial plan, wastewater rate study and revenue bonds.
Elk Grove Water District: Developed a long-term financing plan and rates to fund operating and capital needs. Worked with staff and a citizen's advisory committee (CAC) to build community consensus.
El Dorado Irrigation District: Water and wastewater financial plans, rates and bond sales.
City of Ukiah: Water and wastewater financing plans and rates, $14 million water bond financing and $70 million wastewater bond financing
City of Gilroy: Water and wastewater financial plans, rate studies and capacity fees review
Association of Bay Area Governments: Financial advisor for California's first competitively-sold, pooled revenue bond financing program for water and wastewater agencies.
South Bay (San Jose Area) Water Recycling Program, Phases 1 & 2: Financial plan and rate study for $200+ million regional wastewater recycling program.

Memberships

National Association of Municipal Advisors (former board member)
League of California Cities
Association of California Water Agencies
California Association of Sanitation Agencies

Education

M.S., Civil Engineering, University of California, Berkeley

Certifications

Certified Independent Professional Municipal Advisor (CIPMA), and registered Professional Engineer (PE) in California

Attachment: Bartle Wells 22-038 Water Sewer & Roads (RES-2022-28 : Approve an Agreement with Bartle Wells Associates for a Rate Study and

MICHAEL DEGROOT

Consultant

Michael DeGroot is a consultant with Bartle Wells Associates. He works closely with City staff, engineers, lawyers, and other consultants to develop equitable rate structures for water, sewer, and solid waste enterprises. Mr. DeGroot specializes in developing long-term financial plans, meter and commodity rates, surcharges, and capacity fees for Cities and special Districts. Additionally, he is experienced modifying and implementing Proposition 218 compliant rate structures and drought surcharges.

Representative Assignments

West Valley Sanitation District: Completed debt financing plan update for WVSD, which included significant expenditure projections related to the $2 billion San José-Santa Clara Regional Wastewater Facility Upgrade.
Malaga County Water District: Prepared water, sewer, and solid waste financial plan updates and conducted surveys of neighboring agency rates. Developed a cost of service analysis of the District's existing rate structure and updated the minimum charges for Significant Industrial Users.
Palmdale Water District: Prepared a water rate study which altered the existing water budget structure to include a sixth "essential usage" tier for all customer classes. Updated the cost of service methodology to reflect actual District expenditures and developed a drought-rate surcharge.
City of California City: Proposed water and sewer rate structure alterations, impact fees, and miscellaneous charges in conjunction with City staff. Recommended low-cost financing options and significant rate increases designed to repair the City's dilapidated transmission system. Drafted the Proposition 218 notification and resolution.
Indian Wells Valley Water District: Updated the District's water rates including zone and arsenic surcharge components. Presented rate structure options to the Board including combining 5/8" and ¾" meters phased in over 3 years and consolidating 7 Tiers to 4 Tiers.
Glendale Water and Power: Assisted with a water rate study to update the cost of service methodology and rate structure. Created a multi-year bill calculation tool for public workshops and administrative use.
City of Palmdale: Developed a 5 year financial forecast for annual sewer assessment charges used to recoup costs related to the City's collection system. Recommended rate options to City staff and drafted a final report for City Council.
Contra Costa Water District: Analyzed the District's excess use charges and developed an excel model to predict how revenues would change from changes in the excess use threshold. Analyzed several rate options including doubling and tripling the excess use rates and the effect on revenue based on price elasticity of demand for water.
City of Benicia: Analyzed the City's water and sewer billing schedules and created a consumption block analysis for the City's water use. Updated wastewater financial projections and presented a drought rate option to City staff.
Root Creek Water District: Worked with District staff to develop a set of assessments to support the Districts importation of water.

Education

B.S., Business Administration – U.C. Berkeley Walter A. Haas School of Business, Berkeley, CA

Attachment: Bartle Wells 22-038 Water Sewer & Roads (RES-2022-28 : Approve an Agreement with Bartle Wells Associates for a Rate Study and

Attachment: Bartle Wells 22-038 Water Sewer & Roads (RES-2022-28 : Approve an Agreement with Bartle Wells Associates for a Rate Study and

BARTLE WELLS ASSOCIATES
BILLING RATE SCHEDULE 2021
Rates Effective 1/1/2021

Professional Services

Financial Analyst I	$110 per hour
Financial Analyst II	$135 per hour
Consultant	$165 per hour
Project Consultant	$180 per hour
Senior Consultant	$195 per hour
Senior Project Manager	$225 per hour
Principal Consultant	$265 per hour

The hourly rates for professional services include all overhead and indirect expenses. Bartle Wells Associates does not charge for administrative support services. Expert witness, legal testimony, or other special limited assignments will be billed at one and one-half times the consultant's hourly rate.

The above rates will be in effect through December 31, 2021, at which time they will be subject to change.

Direct Expenses

Subconsultants will be billed at cost plus ten percent. Other reimbursable direct expenses incurred on behalf of the agency will be billed at cost plus ten percent. These reimbursable costs include, but are not limited to:

- Travel, meals, lodging
- Printing and photocopying
- Special statistical analysis
- Outside computer services
- Bond ratings
- Automobile mileage
- Messenger services and mailing costs
- Graphic design and photography
- Special legal services
- Legal advertisements

Insurance

Bartle Wells Associates maintains insurance in the amounts and coverage as provided in the attached schedule of insurance. Additional or special insurance, licensing, or permit requirements beyond what is shown on the schedule of insurance are billed in addition to the contract amount.

Payment

Fees are typically billed monthly for the preceding month and will be payable within 30 days of the date of the invoice. A late charge of 1.0 percent per month may be applied to balances unpaid after 60 days.

SCHEDULE OF INSURANCE

Insured: BARTLE WELLS ASSOCIATES

Bartle Wells Associates will maintain in force, during the full term of the assignment, insurance in the amounts and coverage as provided in this schedule. If additional insurance is required, and the insurer increases the premium as a result, then the amount of the increase will be added to the contract price.

TYPE OF INSURANCE	COMPANY POLICY NUMBER	COVERAGES AND LIMITS	EXP. DATE
Commercial General Liability	Hartford Insurance Company Policy #35-SBA PA6857	▪ $2,000,000 General Aggregate ▪ $2,000,000 Products Comp/Op Aggregate ▪ $2,000,000 Personal & Advertising Injury ▪ $1,000,000 Each Occurrence	6/1/22
Excess/Umbrella Liability	Hartford Insurance Company Policy #35-SBA PA6857	▪ $1,000,000 Aggregate ▪ $1,000,000 Each Occurrence	6/1/22
Automobile Liability	Hartford Insurance Company Policy #35-UEC VU2842	▪ $1,000,000 Combined Single Limit	6/1/22
Workers Compensation & Employers' Liability	Hartford Underwriters Insurance Company Policy #35-WEC FG7858	Workers' Compensation: Statutory Limits for the State of California. Employers' Liability: ▪ Bodily Injury by Accident - $1,000,000 each accident ▪ Bodily Injury by Disease - $1,000,000 each employee ▪ Bodily Injury by Disease - $1,000,000 policy limit	6/1/22
Professional Liability	Chubb & Son, Inc. BINDO94045	Solely in the performance of services as municipal financing consultants for others for a fee. Limit: $2,000,000 Per Occurrence & Aggregate (including defense costs, charges, and expenses)	6/1/22

Attachment: Bartle Wells 22-038 Water Sewer & Roads (RES-2022-28 : Approve an Agreement with Bartle Wells Associates for a Rate Study and

MARIPOSA COUNTY

Public Works · 209 966 5356

RESOLUTION - ACTION REQUESTED 2020-380

MEETING: July 7, 2020

TO: The Board of Supervisors

FROM: Mike Healy,

RE: Authorize an Agreement with Bartle & Wells for Rate Studies in Yosemite West

---

RECOMMENDATION AND JUSTIFICATION:
Approve an Agreement with Bartle Wells Associates in a Amount Not to Exceed $25,000 to perform Rate Study Analysis for Yosemite West Water, Wastewater and Roads; and Authorize the Board of Supervisors Chair to Sign the Agreement.

Bartle Wells Associates was the firm that performed the previous rate study analysis as a sub-consultant to Pinnacle ART who developed the Engineers Report for all three of these elements in Yosemite West and as such they are uniquely familiar with the capital improvement needs of the Water and Wastewater Utilities and the Roads element.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
On June 24, 2020 the Board rescinded the Board Resolutions that established the 2018 rate increases for the Yosemite West Water and Wastewater as part of a stipulated judgment causing the need to enter a new Proposition 218 process which will require a rate study analysis.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Should the Board choose not to approve this agreement utility rates will remain at the pre- 2018 Proposition 218 process and the utilities will eventually be faced with not raising sufficient revenues to provide service.

FINANCIAL IMPACT:
No General Fund monies will be utilized for this contract but rather these costs will be funded by the Yosemite West Utility Accounts.

ATTACHMENTS:
Bartle Wells Asscoiates Draft Agreement (PDF)

Attachment: Bartle Wells Res 2020-380 (RES-2022-28 : Approve an Agreement with Bartle Wells Associates for a Rate Study and Assessment)

RESULT: **ADOPTED BY CONSENT VOTE [UNANIMOUS]**
MOVER: Miles Menetrey, District V Supervisor
SECONDER: Rosemarie Smallcombe, District I Supervisor
AYES: Rosemarie Smallcombe, Marshall Long, Miles Menetrey
EXCUSED: Merlin Jones, Kevin Cann

Attachment: Bartle Wells Res 2020-380 (RES-2022-28 : Approve an Agreement with Bartle Wells Associates for a Rate Study and Assessment)

Re: Public Agenda - Jan 11, 2022 (Tue) - Board of Supervisors

Karin Fielding <karinf00007@gmail.com>

Fri 1/7/2022 9:32 PM

To: Rene LaRoche <rlaroche@mariposacounty.org>

Item G. 5. Rate Study Contract

Once again I object to the Coulterville Community Service Area 1 (CSA1) being included in the Rate Study contract at this time.

It is my strong belief that Coulterville as a SEVERELY DISADVANTAGED COMMUNITY (SDAC) is eligible for NO COST planning support (including rate studies) offered by the State of California.

I believe it would be a costly mistake to include Coulterville in the proposed rate study contract. We are already being burdened with raising rates and should not be forced to take on an additional, unnecessary loan.

Two years ago the State Water Board had opened the door to us to apply for CA Prop 1 funds. As an SDAC we were eligible for complete rehabilitation of our water system as well as expansion of our system with a new well, tank, and more. The County (Public Works) did not follow up on this as far as I know.

Now besides Prop 1funds there are additional funds (Prop 68 and new programs for water AND wastewater. Also more Federal funding.

I ask that the County begin conversation with the State Water Board immediately. I also ask that a representative from our CSA1 Advisory Committee be included in these discussions.

Please do not approve this contract as presented.

Respectfully

Karin Fielding

On Fri, Jan 7, 2022, 9:11 AM Rene LaRoche <NoReply@iqm2.com> wrote:

> Republishing link as it apparently did not send out yesterday.
>
> Please see the attached Public Agenda document for the following meeting:
>
> **Board of Supervisors**
> Regular Meeting
> Tuesday, January 11, 2022 9:00 AM
> Mariposa County Government Center - 5100 Bullion Street, Second Floor, Mariposa, CA 95338

Attachment: G.5 - PUBLIC COMMENT from Karin Fielding (RES-2022-28 : Approve an Agreement with Bartle Wells Associates for a Rate Study

Download PDF Public Agenda | View Web Public Agenda

Document Modified: 1/6/2022 2:52 PM

If you no longer wish to be included in this distribution list you can remove yourself through the meeting web portal or reply to this message.

Attachment: G.5 - PUBLIC COMMENT from Karin Fielding (RES-2022-28 : Approve an Agreement with Bartle Wells Associates for a Rate Study

MARIPOSA COUNTY

County Counsel · (209) 966-3222

MEETING: January 11, 2022

TO: The Board of Supervisors

FROM: Steve Dahlem, County Counsel

RE: Closed Session with Legal Counsel: Anticipated Litigation

---

[X] **CONFERENCE WITH LEGAL COUNSEL**:

[ ] **Existing Litigation:**
[ ] Disclosure will jeopardize existing settlement negotiations.

[X] **Anticipated Litigation**
[X] Significant exposure to litigation pursuant to subdivision (b) of Government Code section 54956.9.
Number of cases to be discussed: 1
[ ] Initiating of litigation pursuant to subdivision (c) of Government Code section 54956.9.
Number of cases to be discussed:
**See attached Claim for Personal Injury and/or Property Damage.*

[ ] **CONFERENCE WITH COUNTY LABOR NEGOTIATOR**
Name of Employee Organization:_____
Name of County Designated Representative:_____
Title(s) of unrepresented individuals with whom negotiations are being conducted:_____

[ ] **PUBLIC EMPLOYEE EMPLOYMENT TITLE OR POSITION TO BE FILLED:**
(Government Code Section 54957 (b) (1))
_____

[ ] **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**
Position of employee under review:_____ (Government Code Section 54954.5)

[ ] **PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE** (Government Code Section 54954.5)

[ ] **CONFERENCE WITH REAL PROPERTY NEGOTIATOR**
Description of real property:_____
Agency negotiator: _____
Closed session will concern: ( ) price; ( ) terms of lease/purchase.

[ ] **THREAT TO PUBLIC SERVICE FACILITIES**
Name of law enforcement agency involved:_____
Title of officer of law enforcement agency:_____

[ ] **LICENSE/PERMIT DETERMINATION**
License or Permit applied for:_____
Number of license or permit applicants:_____
Name of applicant(s):_____

ATTACHMENTS:

Agenda Item - No Resolution Requested

Claim C21-17 (PDF)

RESULT: WITHDRAWN

RECEIVED
DEC 09 2021
BOARD OF SUPERVISORS

COUNTY OF MARIPOSA CLAIM FORM

CLAIM OF Siewing Lin
(Claimant)

v.

COUNTY OF MARIPOSA

CLAIM FOR PERSONAL INJURY AND/OR PROPERTY DAMAGE
(Government Code § 910)

C21-17

RECEIVED
DEC 23 2021
MARIPOSA CO. COUNSEL
RISK MGMT.

TO THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY:

YOU ARE HEREBY NOTIFIED that: (Please type or print)

Claimant: Siewing Lin
Whose address is: 9930 Ernest Road
City and State: Coulterville, CA Zip: 95329
Contact Phone: (209) 900-8200 Email: jak@sodhilawgroup.com

claims damages from the **COUNTY OF MARIPOSA** in the amount, computed as of the date of presentation of this claim, of $750,000.00.

This claim is based on: *(CHECK APPROPRIATE BOX OR BOXES)*

- ☐ Property Damage
- ☐ Other *(Please List)*
- ■ Personal Injury
- ☐ Contract

which occurred on 05/05 (MONTH/DAY), 2021 in the vicinity of *(place where incident occurred)*:

9930 Ernst Rd, Coulterville, CA 95311 (Mariposa County)
(PLACE WHERE INCIDENT OCCURRED)

Describe generally the facts and circumstances that give rise to the claim: *(Please provide another page if more space is needed.)*

On May 5, 2021 Siewing Lin was sleeping in the back bedroom of the residence located at 9930 Ernst Road. On that date, the Mariposa County Sheriff's Office conducted a search of the residence. When they announced themselves, Ms. Lin had no idea who they were, as she speaks no English. She remained in the bedroom as she was fearful that an intruder was in the home. The Sheriff's office deployed their dog on Ms. Lin and the dog attacked her causing severe injuries to her person.

The name(s) of the public employee(s) causing claimant's injuries or damages under the above-described circumstances is/are:

Mariposa County Sherriff's Office.

Attachment: Claim C21-17 (12480 : Closed Session with Legal Counsel: Anticipated Litigation)

The injuries sustained by claimant, as far as known, as of the date of presentation of this claim consist of:
(Describe generally claimant's injuries or damages.)

Injuries to arm, lacerations, puncture wounds, blisters, numbness and tingling, pain in arm, pyschological trauma, PTSD, anxiety, depression, and unknown future damages.

The amount claimed, as of the date of presentation of this claim is computed as follows:

Damages incurred to date:

Expenses for medical and hospital care	$10,000.00
Loss of earnings	$
Specific damages (**ITEMIZE & PROVIDE 3 REPAIR ESTIMATES**)	
	$
	$
Other damages (ITEMIZE)	
Personal Injuries	$640,000.00
	$
TOTAL DAMAGES INCURRED TO DATE:	$650,000.00

Estimated future damages as far as known from this incident:

Total estimated prospective damages:	$100,000.00
TOTAL AMOUNT CLAIMED AS OF DATE OF PRESENTATION OF THIS CLAIM:	$750,000.00

All notices or other communications with regard to this claim should be sent to claimant at:

Sodhi Law Group, 1301 K Street, Suite F, Modesto, CA 95354

(ADDRESS TO WHICH NOTICES ARE TO BE SENT)

Please return the completed form to: Clerk of the Board, 5100 Bullion St, PO Box 784, Mariposa, CA 95338

***PLEASE NOTE that once submitted, this document becomes a public record and is subject to all forms of public inspection including, but not limited to, display on the internet, and all public records requests.*

Dated: 11-30-21 Signed _____ Jakrun S. Sodhi

(CLAIMANT/AGENT FOR CLAIMANT)

Government Code § 911.2. Time of or presentation of claims

A claim relating to a cause of action for death or for injury to person or to personal property or growing crops shall be presented as provided in Article 2 (commencing with § 915) of this chapter not later than six months after the accrual of the cause of action. A claim relating to any other cause of action shall be presented as provided in Article 2 (commencing with § 915) of this chapter not later than one year after the accrual of the cause of action.

Attachment: Claim C21-17 (12480 : Closed Session with Legal Counsel: Anticipated Litigation)

MARIPOSA COUNTY

Administration/Human Resources · 966-3222

MEETING: January 11, 2022

TO: The Board of Supervisors

FROM: Dallin Kimble, County Administrative Officer

RE: Public Works Director

[ ] **CONFERENCE WITH LEGAL COUNSEL**:

[ ] **Existing Litigation:**
[ ] Disclosure will jeopardize existing settlement negotiations.

[ ] **Anticipated Litigation**
[ ] Significant exposure to litigation pursuant to subdivision (b) of Government Code section 54956.9.
Number of cases to be discussed:

[ ] Initiating of litigation pursuant to subdivision (c) of Government Code section 54956.9.
Number of cases to be discussed: 1

[ ] **CONFERENCE WITH COUNTY LABOR NEGOTIATOR**
Name of Employee Organization:
Name of County Designated Representative:
Title(s) of unrepresented individuals with whom negotiations are being conducted:

[X] **PUBLIC EMPLOYEE EMPLOYMENT TITLE OR POSITION TO BE FILLED:**
(Government Code Section 54957 (b) (1))
Public Works Director

[ ] **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**
Position of employee under review: (Government Code Section 54954.5)

[ ] **PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE** (Government Code Section 54954.5)

[ ] **CONFERENCE WITH REAL PROPERTY NEGOTIATOR**
Description of real property:
Agency negotiator:
Negotiating parties: (Specify name of party or parties (not agent)):
Closed session will concern: ( ) price; ( ) terms of payment; ( ) both.

[ ] **THREAT TO PUBLIC SERVICE FACILITIES**
Name of law enforcement agency involved:
Title of officer of law enforcement agency:

[ ] **LICENSE/PERMIT DETERMINATION**
License or Permit applied for:
Number of license or permit applicants:
Name of applicant(s):

Agenda Item - No Resolution Requested

RESULT: **CLOSED SESSION HELD**

MARIPOSA COUNTY

Administration/Human Resources · 966-3222

MEETING: January 11, 2022

TO: The Board of Supervisors

FROM: Dallin Kimble, County Administrative Officer

RE: Building Department Director

[ ] **CONFERENCE WITH LEGAL COUNSEL**:

[ ] **Existing Litigation:**
[ ] Disclosure will jeopardize existing settlement negotiations.

[ ] **Anticipated Litigation**
[ ] Significant exposure to litigation pursuant to subdivision (b) of Government Code section 54956.9.
Number of cases to be discussed:

[ ] Initiating of litigation pursuant to subdivision (c) of Government Code section 54956.9.
Number of cases to be discussed: 1

[ ] **CONFERENCE WITH COUNTY LABOR NEGOTIATOR**
Name of Employee Organization:
Name of County Designated Representative:
Title(s) of unrepresented individuals with whom negotiations are being conducted:

[X] **PUBLIC EMPLOYEE EMPLOYMENT TITLE OR POSITION TO BE FILLED:**
(Government Code Section 54957 (b) (1))
Building Department Director

[ ] **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**
Position of employee under review: (Government Code Section 54954.5)

[ ] **PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE** (Government Code Section 54954.5)

[ ] **CONFERENCE WITH REAL PROPERTY NEGOTIATOR**
Description of real property:
Agency negotiator:
Negotiating parties: (Specify name of party or parties (not agent)):
Closed session will concern: ( ) price; ( ) terms of payment; ( ) both.

[ ] **THREAT TO PUBLIC SERVICE FACILITIES**
Name of law enforcement agency involved:
Title of officer of law enforcement agency:

[ ] **LICENSE/PERMIT DETERMINATION**
License or Permit applied for:
Number of license or permit applicants:
Name of applicant(s):

Agenda Item - No Resolution Requested

RESULT: **CLOSED SESSION HELD**

MARIPOSA COUNTY

Planning · 209-966-5151

RESOLUTION - ACTION REQUESTED 2022-29

MEETING: January 11, 2022

TO: The Board of Supervisors

FROM: Sarah Williams, Planning Director

RE: Commercial-Industrial-Manufacturing (CIM) Plan No. 2021-124; Wildhaven Yosemite

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RECOMMENDATION AND JUSTIFICATION:
PUBLIC HEARING: Resolution Adopting a Mitigated Negative Declaration and Approving Commercial-Industrial-Manufacturing (CIM) Plan No. 2021-124 for Wildhaven Yosemite, an 80-unit Glamping Project, with Findings, Conditions, and Mitigation Measures. The Project is Located at 4808 Highway 140, APN 012-180-056. CalCamp2 LLC Dba Wildhaven Yosemite, Applicant.

The Wildhaven Yosemite Project is proposed to be developed on the current site of the 36-acre Yosemite Ziplines and Adventure Ranch Property. The project proposes to construct 80 canvas tents in two (2) phases with accessory facilities, including platform tents, a bathhouse, parking spaces, on-site water and sewer facilities, and other support facilities.

The recommended action is the Planning Commission's recommendation (Planning Commission Resolution No. 2021-21).

See Staff Report for detailed information.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
March 15, 2011 - BOS Resolution No. 2011-93 approved General Plan/Zoning Amendment No. 2010-128 (a general plan land use and zone change to the Rural Economic Land Use and the Resort Commercial Zone) and CIM Plan No. 2010-150, the site plan for the Yosemite Zipline and Adventure Ranch

April 5, 2011 - BOS Ordinance No. 1077 amending the zone of the project site to Resort Commercial

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Alternatives: Amend findings and/or conditions.
Negative Action: Deny project (basis for denial recommended would have to be established, considering required findings). A negative action would result in inability for the project to be completed.

ATTACHMENTS:
Staff Report (DOCX)
Initial Study (PDF)
Draft MND (DOCX)
Site Plans (PDF)
Resolution (DOCX)
PPT Presentation (PDF)

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Marshall Long, District III Supervisor
SECONDER: Wayne Forsythe, District IV Supervisor
AYES: Smallcombe, Sweeney, Long, Forsythe, Menetrey

MARIPOSA PLANNING STAFF REPORT

From: Sarah Williams, Planning Director

Prepared By: Steve Engfer, Senior Planner

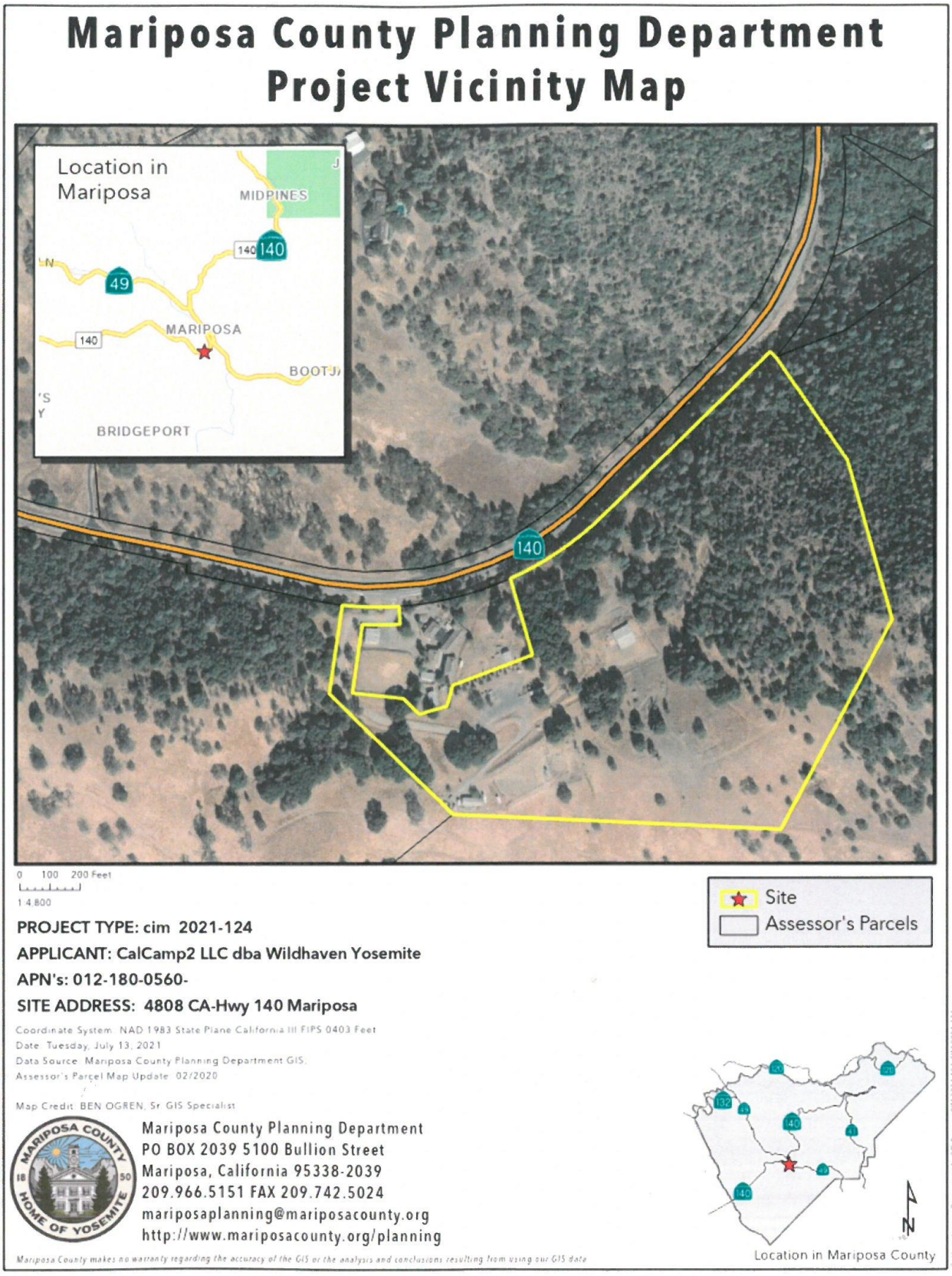
Board of Supervisors Meeting Date: January 11, 2022

PROJECT:	**Commercial-Industrial-Manufacturing (CIM) Plan No. 2021-124**
LOCATION:	**4808 Highway 140, Mariposa, CA**
ASSESSOR PARCEL NUMBERS:	**012-180-0560**
LOCATION:	**Supervisorial District III**
APPLICANT:	**CalCamp2 LLC dba Wildhaven Yosemite**
STATE CLEARING-HOUSE NUMBER:	**2021110182**
NOTICING:	Gazette Ad: December 30, 2021 Mailed Notice: December 21, 2021 Posted Notice: December 21, 2021
BOARD ACTION:	On December 17, 2021, the Planning Commission adopted Resolution No. 2021-21, recommending the Board of Supervisors adopt a resolution: Adopting a Mitigated Negative Declaration and Approving Commercial-Industrial-Manufacturing (CIM) Plan No. 2021-124 for Wildhaven Yosemite, an 80-unit Glamping Project, with Findings, Conditions, and Mitigation Measures.

STAFF SUMMARY ANALYSIS:

CIM Plan Application No. 2021-124 proposes the establishment of a campground at the current site of the Yosemite Zipline and Adventure Ranch project, located just south of the community of Mariposa off of Highway 140. The project will be described in detail further in this staff report. Chapter 17.84 of Title 17 addresses the processing of a CIM Plan. CIM Plans are approved by both the Planning Commission and Board of Supervisors and may be adopted by resolution or ordinance and may be amended as necessary by the Commission and Board. Approval of CIM Plans is considered an amendment processed in accordance with Chapter 17.128 (Amendments) of Title 17. The Planning Commission acts in an advisory capacity to the Board on amendments. The Board has final action authority on this project. Although the project does not propose a zone change, nor is one necessary to establish a campground use on the site, the use of the land is proposed for change from the existing use. The findings necessary to be made in order to approve the project are those mandated in Section 17.128.050 of Title 17.

Attachment: Staff Report (RES-2022-29 : Commercial-Industrial-Manufacturing (CIM) Plan No. 2021-124; Wildhaven Yosemite)



Attachment: Staff Report (RES-2022-29 : Commercial-Industrial-Manufacturing (CIM) Plan No. 2021-124; Wildhaven Yosemite)

PROJECT ANALYSIS FOR CIM PLAN NO. 2021-124

A. DESCRIPTION OF PROJECT (SEE ATTACHED SITE PLAN)

The project is proposed for the 36.31-acre site that currently contains the Yosemite Ziplines and Adventure Ranch project. The project is proposed to be implemented in two phases as follows:

Phase I

- Construction of approximately 40 basic wood tent platforms, ranging in size from 10' x 20' to 12' x 24'.
- Pitch and furnish 40 canvas tents on top of tent platforms, which at full occupancy would hold 100 guests (assuming 2.5 avg. guests per tent.
- Build an approximately 10' x 10' reception/check-in kiosk.
- Design and build the communal bathhouse, supporting both Phase I and Phase II. The estimated size of the facility is 20' x 60' with rustic post and beam construction housing men's and women's bathrooms and approximately 10 shower stalls and eight toilets in each. The facility will be served by a new well (specific for a public water system) to be drilled on site and the property's existing electrical infrastructure.
- Construction of a septic system to support the bathhouse.
- Install an automatic gate with emergency controls for fire service access.
- Install non-permanent propane fire pits at the premium tents to reduce fire risk; the one common area non-permanent fire pit may switch to wood fuel in the winter months and would be managed by Wildhaven staff.

Phase II

- Build and furnish another approximately 40 tents using the same Phase I specifications. Completion of this construction would bring total tent capacity up to 80, which would serve 200 guests at full occupancy (assuming 2.5 average guests per tent).
- Provide a portable bathroom trailer.

The site plan also shows the installation of a 50,000-gallon storage tank for firefighting and back-up domestic supply. The existing horse barn will be removed as part of site development.

The reception facility for guest check-in and get information, and a small store facility for guests to purchase incidentals, snacks, drinks (including beer & wine), and Wildhaven-branded merchandise would be located in the existing on-site office structure, which had previously been used for reception and store purposes for the Yosemite Zip Line.

The project proponent may incorporate the existing zipline amenity into the campground project. The zipline would be for the sole use of overnight campers. The existing ropes course will be removed.

Hours of operation:
The campground would be operated daily on a year-round basis. Hours of operation would be 24 hours a day with check-in between 3:00 p.m. – 7:00 p.m.

Number of employees:
The campground will have a total of ten employees: five full time and five part time. One general manager would live in the existing on-site house. Three maintenance staff may live in RVs on the site if permitted through the required Housing and Community Development (HCD) permit. The remaining six employees would be front desk and housekeepers.

Attachment: Staff Report (RES-2022-29 : Commercial-Industrial-Manufacturing (CIM) Plan No. 2021-124; Wildhaven Yosemite)

Number of anticipated customers:
50 to up to 200 maximum daily.

Parking:
There are currently forty (40) parking spaces on site to serve the Yosemite Zipline and Adventure Ranch project. Forty-two (42) spaces will be added to bring total on-site parking spaces to eighty-two (82).

Access:
Primary access will be from a driveway connected to State Highway 140. The internal roadway to access the site will be an existing two-lane 24-foot-wide graveled road. The site plan shows that roadways accessing the project's tent areas will be one-way and graveled; where grades exceed 16%, the access driveways will be asphalted. Internal access roads and driveways will be subject to state fire safe and local standards as well as applicable special occupancy park standards contained in Section 2106 (Roadways) of Article 2 (General Park Requirements), Title 25, Division 1, Chapter 2.2 – Special Occupancy Parks, California Code of Regulations.

Walking trails to access cabins from parking areas have been incorporated into project design.

Permitting and Operation:
The proposed campground is considered a Special Occupancy Park and is therefore subject to all of the applicable development and operational standards contained in Title 25, Chapter 2.2 – Special Occupancy Parks, California Code of Regulations. The campground will be permitted and monitored by the California Housing and Community Development Department. State Special Occupancy Park standards are contained in 11 articles. They are as follows:

- ARTICLE 1 - ADMINISTRATION AND ENFORCEMENT (Sec. 2000 to Sec. 2052)
- ARTICLE 2 - GENERAL PARK REQUIREMENTS (Sec. 2100 to Sec. 2126)
- ARTICLE 3 - ELECTRICAL REQUIREMENTS (Sec. 2130 to Sec. 2190)
- ARTICLE 4 - FUEL GAS REQUIREMENTS (Sec. 2200 to Sec. 2236)
- ARTICLE 5 - PLUMBING REQUIREMENTS (Sec. 2240 to Sec. 2284)
- ARTICLE 6 - FIRE PROTECTION STANDARDS FOR PARKS (Sec. 2300 to Sec. 2319)
- ARTICLE 7 - INSTALLATIONS AND FACILITIES (Sec. 2320 to Sec. 2360)
- ARTICLE 8 - PERMANENT BUILDINGS AND COMMERCIAL MODULARS (Sec. 2382 to Sec. 2399)
- ARTICLE 9 - ACCESSORY BUILDINGS AND STRUCTURES (Sec. 2422 to Sec. 2518)
- ARTICLE 10 - VIOLATIONS, COMPLAINTS, AND ABATEMENT (Sec. 2600 to Sec. 2619)
- ARTICLE 11 - INFORMAL CONFERENCES AND HEARING PROCEDURES (Sec. 2750 to Sec. 2759)

Water Supply:
The project applicant proposes to drill a well on the site to serve the bathhouse and restroom facilities. Should the project provide drinking water from the on-site well to the proposed number of guests, it will be required to obtain a transient, non-community water system permit from the California Department of Public Health, Division of Drinking Water and Environmental Management.

B. BACKGROUND

General Plan The 36-acre site is located in the Rural Economic/Recreation land use subclassification and is zoned Resort Commercial. The property was reclassified and rezoned to its current land use status in March of 2011 as part of General Plan/Zoning Amendment No. 2010-128 and CIM Plan No. 2010-150 (Yosemite Zipline and Adventure Ranch project).

Attachment: Staff Report (RES-2022-29 : Commercial-Industrial-Manufacturing (CIM) Plan No. 2021-124; Wildhaven Yosemite)

Site and Surrounding Land Use and Development:

The site currently contains the Yosemite Ziplines and Adventure Ranch recreational development. The terrain and vegetation on the project site are typical of land at this elevation in the Sierra foothills. The site is at the roughly 2,000- to 2,500-foot elevation. The terrain is relatively flat to up to 25% slope. There are no significant drainages on the site that would be impacted by the project. The site does have ephemeral drainages. Vegetation on the site consists of native grasses, blue oak, white oak, interior live oak, bull pine, as well and buck brush, manzanita, and other native shrubs.

The site is surrounded on three sides by a large 2,700-acre ranch holding. Structures on a 3.70-acre site immediately adjacent to the project site on the north are used by the Mariposa County Fire Department. Large residential parcels are located to the north across Highway 140 from the project site.

Adjacent Land Uses:

North: Public Facility
South: Agriculture
East: Agriculture
West: Agriculture

Reports and Studies Submitted:

The project proponent submitted a number of studies, analyses and reports as part of the application. They are as follows:

a. Wildhaven Yosemite CIM Application – Preliminary Biological Resources Constraints Analysis, Environmental Science Associates, April 2021.

b. Wildhaven Yosemite Project: Results of the 2021 Special-Status Plant Surveys, Environmental Science Associates, June 24, 2021.

c. Cultural Resources Findings for the Wildhaven Yosemite Project, Environmental Science Associates, April 6, 2021. **(Confidential-Not available for public review).**

d. Draft Wildhaven Yosemite Traffic Impact Analysis, Wood Rogers, April 19, 2021.

e. Geotechnical Engineering Investigation – Proposed Wildhaven Yosemite Project, 4808 CA-140, Mariposa, California; Krazan & Associates, Inc. Geotechnical Engineering Division, May 21, 2021.

f. Draft Wildhaven Yosemite Commercial, Industrial, & Manufacturing Site Plan (CIM) Application – Air Quality and Greenhouse Gas Technical Memorandum; Environmental Science Associates, July 2021.

g. Fire Hazard Mitigation Plan – Wildhaven Yosemite Project, Dudek, June 2021.

h. Preliminary Technical Report – Wildhaven Yosemite, Summit, July 12, 2021.

Attachment: Staff Report (RES-2022-29 : Commercial-Industrial-Manufacturing (CIM) Plan No. 2021-124; Wildhaven Yosemite)

D. PRACTICAL CONCERNS

Consistency with Resort Commercial Zone Standards:

Campgrounds are listed as a permitted use in the Resort Commercial zone (Chapter 17.96 of Title 17, Zoning Ordinance). Section 17.96.050 (Special Use Standards) of Title 17 establishes specific standards for the establishment and operation of a campground.

Section 17.96.050(A)(1) states that no more than ten (10) campsites, not including operator or employee quarter, may be established per acre or forty-three thousand five hundred sixty (43,560) square feet of gross land;

Section 17.96.050(A)(2) states that a campsite shall mean a site utilized for camping and shall not mean the parking and occupancy of mobile homes, or motor homes, or travel trailers;

Section 17.96.050(A)(3) states that a campground may be operated in conjunction with any permitted use provided that the site or area upon which the use is located, and parking area for the use, shall be deducted from the gross site area for purposes of calculating campsite density.

Section 17.96.060(A)(4) states that restrooms, showers, laundries, clubhouses and similar service facilities reserved exclusively for the use of campsite patrons shall not be subject to site area restrictions for purpose of calculating campsite density.

Project Consistency:

The project is 36.3 acres in size and proposes 80 tent cabins and is therefore far below the maximum density threshold. The project may retain the existing zipline for the sole use of guests of the campground. The campground proposes 42 additional parking spaces, bringing the total number of spaces on the site to 82. The design criteria for the Resort Commercial zone mandates that the minimum open space shall be forty percent (40%) of the gross land area. Any area that is developed or improved with parking areas, streets, driveways, carports or any covered structure shall not be considered open space area. Open space areas shall include unimproved land, landscaped areas, improved recreation areas, and water surfaces, all within the development.

The area to be developed with the campground is roughly one-half of the total 36.3-acre site. Zipline components stretch into the eastern, more undisturbed portion of the site but those components are not of a dense development nature. Much of the "developed" area will remain in open space, free of campsite development, parking, structures and roadways. (See Site Plan.) Given these factors, it can be determined that 40% of the project site shall remain in open space.

Section 17.96.050(A)(5) states that, at a minimum, restroom facilities shall be provided in accordance with the provisions of the Health and Safety Code, and the Housing and Community Development codes.

Attachment: Staff Report (RES-2022-29 : Commercial-Industrial-Manufacturing (CIM) Plan No. 2021-124; Wildhaven Yosemite)

Project Consistency:
Installation of such facilities will be subject to all state and local standards, including those contained in the state Code of Regulations governing Special Occupancy Parks.

Section 17.96.050(A)(6) states that the minimum site area for a campground shall be five (5) acres in town planning areas without adopted specific plans and ten (10) acres in a rural area.

Project Consistency:
The project site is 36.3 acres in size.

Section 17.96.050(A)(7) states that the minimum setback for a campground shall be fifty (50) feet from all property lines. The minimum setback from the centerline for a dedicated public right-of-way shall be on hundred (100) feet. There shall be no parking, campsites, or recreational vehicle sites within the setback area.

Project Consistency:
The submitted site plan for the project shows that some parking and a campsite to be within this setback area. However, setbacks will be reviewed for consistency by Mariposa Planning at the time of project development. No aspect of the project will be within 100 feet of a right-of-way centerline.

The site plan does not show parking lot landscaping. The design criteria for the Resort Commercial zone mandates that no parking area shall have more than six (6) spaces which adjoin each other without intervening landscaping. Mariposa Planning will ensure landscaping is provided as per code during review of the final site plan.

Consistency with General Plan Standards:

The project site is located within the Rural Economic/Recreation land use subclassification. Recreation is a subclassification. The standards for development within the Rural Economic land use classification are contained in Chapter 5.3.03 – Rural Economic Land Use Classification in the General Plan.

Section 5.3.03(B)(3) states: *"All development within the Rural Economic/Recreation land use subclassification will ensure that adequate housing is available for its employees. If adequate housing is not available within the local community, the development will provide such housing within the project."* Section 5.3.03(D)(1) states: *"Applications to site a Recreation use will incorporate an analysis of the housing market to ensure there is adequate housing for the total number of employees."*

Project Consistency:
The project will have five full-time and five part-time employees. There is an existing manager's residence on site that will continue to be used by the campground project. The project proponent states that three maintenance staff may live in RVs on the site (if permitted by HCD permit.) The remaining six employees would be front desk and housekeepers.

It is likely that most of the employees will be drawn from the existing labor pool. Based on the project proposal to provide housing units for employees through a

Attachment: Staff Report (RES-2022-29 : Commercial-Industrial-Manufacturing (CIM) Plan No. 2021-124; Wildhaven Yosemite)

combination of an existing on-site residence and 3 RVs, a formal analysis was not required. Staff is also providing some flexibility to increase the number of RV units for housing employees should the applicant find it necessary to provide more units.

Section 5.3.03(D)(2) states: *"The minimum developed area must be not less than five (5) acres and the developed area will not exceed thirty-five (35) percent of the total project land area."* Section 5.3.03(D)(3) states: *"Lot coverage in the Rural Economic land use classification and all of its subclassifications is a maximum of thirty-five (35) percent."*

The General Plan defines "developed area" as *"that portion of a parcel which is graded, disturbed, landscaped, or constructed upon with buildings, structures, roads, driveways and parking areas. This excludes trails for pedestrian, equestrian, cycling or all-terrain vehicle use."* The General Plan defines *"lot coverage" as "the area of a lot covered by building perimeter roof area expressed as a percentage of total land area."*

Project Consistency:
See discussion on open space above. The project developed area perimeter, which includes the roadways, structures, campsites, common areas, etc., and the grading and disturbance necessary to implement the project, will be in excess of five (5) acres. The developed area and lot coverage will not exceed 35% of the total project land area of 36.3 acres.

The Rural Economic land use classification contains development standards for design. These standards address overall site design; viewshed; structure design, landscaping and scenic environment; and landform grading. Application of these standards to this campground project would be limited due to the project's non-intensive nature and natural vegetation on the project site. The tent units will be uniform in look and size. Viewshed impacts from the highway and neighboring properties in the area will be limited due to the non-residential nature of surrounding land uses, vegetation, terrain and distance to neighboring properties. The General Plan requirement that maximum obstruction of a viewshed must not be more than thirty-three (33) percent does not apply to this project due to these factors. Much of the natural vegetation on the site is expected to be retained as the campground is developed and parking area landscaping will be part of final site design. Should landscaping be implemented by the project proponent, the use of native species suitable to site characteristics is encouraged as per Section 5.3.03(E)(5) of the General Plan.

CEQA Initial Study: An Initial Study was prepared for the project in accordance with the California Environmental Quality Act. The Initial Study/Proposed Mitigated Negative Declaration was available for public review from November 12, 2021 to December 13, 2021.

The studies discussed above analyzed the project from a number of environmental perspectives. The conclusions of the studies are addressed in the Initial Study.

Based upon the analyses provided and analysis of the project by Planning staff, the Initial Study concluded that the project would only have a potentially significant impact on the issue of biological resources; namely, ephemeral drainages/riparian features, pallid bat, Townsend's big-eared bat, special-status plants, and nesting raptors and migratory birds.

Attachment: Staff Report (RES-2022-29 : Commercial-Industrial-Manufacturing (CIM) Plan No. 2021-124; Wildhaven Yosemite)

Mitigation is proposed to reduce these potentially significant impacts to less than significant levels. These measures are presented in the Initial Study document and the "Conditions and Mitigation Measures" section of the draft Planning Commission resolution.

The cultural resources survey of the project site found no such resources on the project site. No mitigation is required. The cultural resources section of the Initial Study includes a standard mitigation measure that addresses actions to be taken in the event cultural resources or human remains are found on the project site during project construction. This measure is also shown in the "Conditions and Mitigation Measures" section of the draft Planning Commission.

Fire Hazards:

As noted in the project description above, the project proposes the installation of non-permanent propane fire pits at the premium tents to reduce fire risk; the one common area, communal non-permanent fire pit may switch to wood fuel in the winter months and would be managed by Wildhaven staff. The pits would be installed at each of the premium tents in Phase 2. The single communal propane fire pit will be installed in the communal area between the bathhouse and office.

The project proponent submitted a Fire Hazard Mitigation Plan (FHMP) as part of the application. The FHMP states that large metal rings would be installed to contain burning material around the fire pits, with a mesh screen installed to encompass and cover the fire as a spark arrestor. The lighting, maintenance, and extinguishing of these campfires would be managed by camp staff. A 30-foot Fuel Modification Area is recommended for the communal fire pits, measured horizontally from the outermost edge of the fire pit enclosure in all directions. Tree branches and other vegetation above each fire pit area are to be removed and maintained to establish clearance to the sky.

The site conditions related to fire and specific standards of the FHMP are contained in the general chapter headings of Fire Risk Analysis; Emergency Response and Service; and Fire Safety Standards and Evacuation. The Plan is discussed in detail in subsections B.9.g, B.9.f and Section B.20 in the Initial Study.

The FHMP states that Prior to operation, an Emergency Operations Plan would be developed to address wildfire and other emergency incidents at the site. This plan would be subject to review and approval by applicable emergency services providers. The plan would include, at a minimum:

- A Training and Exercise Plan, to be implemented annually with all employees, covering the Emergency Operation Plan and issues such as response to fire, fire extinguisher and firehose use, first aid and emergency medical response, and dealing with problem guests.
- An orientation briefing for guests concerning potential hazards and what to do in the event of an emergency incident.
- Provision of a site fire and emergency alert system to notify site occupants in the event of an emergency.
- A site evacuation plan, defining routes of ingress and egress, rally points, and protocols for disabled guests and/or guests without their own transport.

Attachment: Staff Report (RES-2022-29 : Commercial-Industrial-Manufacturing (CIM) Plan No. 2021-124; Wildhaven Yosemite)

- Establishment and maintenance of temporary refuge areas if evacuation is not possible.
- Establishment of an emergency helicopter landing site. The site would not be a permitted heliport as described in California Code of Regulations §3554 and would be maintained for use in emergencies only.

The review, approval and implementation of the FHMP is addressed in the proposed project conditions of approval.

In addition to implementing the provisions of the FHMP, the campground project will be subject to all applicable requirements contained in Title 25, Division 1, Chapter 2.2, Article 6 (Fire Protection Standards for Parks [Sec. 2300 to Sec. 2319]) of the California Code of Regulations. The project's proposed conditions of approval require that the Emergency Operations Plan described in the FHMP shall be prepared to include all of the applicable standards required for Emergency Preparedness Plans contained in Section 2013 (Emergency Preparedness Plans) of Article 1 (Administration and Enforcement), Title 25, Chapter 2.2 – Special Occupancy Parks in the California Code of Regulations.

Agency Comments:

Request for comments were sent to the Mariposa County Health and Human Services Environmental Health Unit, Mariposa County Fire, Public Works, Sheriff and Building Departments, Mariposa County School District, Mariposa County Assessor, Mariposa Public Utilities District, Caltrans District 10, Regional Water Quality Control Board, State Water Resources Control Board, California Department of Fish and Wildlife, CAL FIRE, PG& E, and Sierra Telephone.

Health Unit

Health Unit comments related to the issues of on-site sewage disposal, drinking water, solid waste disposal, air pollution (dust mitigation), retail food sales, and hazardous materials storage.

The geotechnical engineering investigation of the project site found that field exploration and percolation testing indicate the onsite soil/weathered bedrock profile is not suitable for the installation of a septic system with a standard disposal field that utilizes leach lines, leaching beds, or seepage pits. However, a mounded leach field or some other engineered onsite wastewater disposal system, such as an aerobic pretreatment system with a raised sand bed, may be feasible. The geotechnical investigation provides recommendations for a mound leach field system. The Mariposa County Environmental Health Unit (EHU) states that a full design of the proposed system including soil profile and percolation test results must be submitted for review and approval at the building permit phase of project implementation.

This issue of septic disposal is addressed in sub-section B.7.e of the Initial Study prepared for the project.

Project proponent's response to Health Unit Comments:
The project proponent submitted a narrative identifying the campground solid waste management plan. Staff notes that Sec. 2120 - Rubbish and Accumulation of Waste Material, in Article 2 of state Special Occupancy Park standards addresses solid waste management within such parks.

The issue of solid waste is addressed in sub-section B.19.d,e of the Initial Study.

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The project proponent stated they will prepare and submit a dust mitigation plan and a hazardous materials storage plan for review and approval.

Staff notes that additional issues of consideration submitted by the Health Unit are addressed in the proposed project conditions of approval. The project proponent will be required to prepare and submit for Health Unit approval a final solid waste disposal plan as well as dust mitigation, and hazardous materials storage plans.

The issue of air pollution (dust creation) is addressed in subsection B.3.a of the Initial study and hazardous materials storage is addressed in Section B.9.

Public Works Comments:

Public Works provided comment on the encroachment from Highway 140, on-site road access, parking, maintenance access roads, road access maintenance plan, solid waste, grading, and ADA accessibility. Public Works comments are addressed in the proposed project conditions of approval and or will be addressed during the building permit stage of site development.

Building Dept. Comments:

The Building Department provided comments on the project relating to the building permit phase of project development, including requirements that the project comply with the Americans with Disabilities Act. All construction permitting components of the project for which the Building Department has approval authority will be addressed during building permit processing.

Caltrans Comments:

Caltrans stated there is an environmentally sensitive area along Highway 140 in the vicinity of the project site. If the area is disturbed, tribal coordination will be required at the location. That issue would be addressed in any encroachment permit process. The potential for the project proponent to be required to obtain an encroachment permit for any work performed in the Highway 140 right-of-way is addressed in the proposed project conditions of approval.

Caltrans also stated that it is unclear how the intended drainage network will flow and requested the preparation and submittal for Caltrans review a set of drainage plans. The agency commented that with most of the project area being transformed from pervious to the impervious areas, Caltrans requests to review the pre- and post-construction runoff calculations in order to provide additional comments. This concern of Caltrans will be addressed at the building permit stage of site development and the issue is included in the proposed project conditions of approval.

Caltrans also commented that to ensure the facility entrance will be able to accommodate the expected design vehicle, including recreational vehicles (RVs) and vehicle/trailer combination for simultaneous entering/existing driveway at Highway 140, appropriate design vehicle simulation should be applied to the existing driveway and submitted to Caltrans for review.

Project Proponent Response:
The project is not an RV park and will not offer RV sites for rent. It is not expected that RVs or travel trailers will be pulling in and out of the driveway.

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The expected vehicle design using the existing driveway will be the same as those for the existing zipline operation, i.e. cars, vans, and small trucks. If RVs are permitted for use by employees, the movement of such vehicles would be on a limited basis.

As noted above, a draft traffic impact analysis was prepared for the project. The analysis is discussed in detail in subsection B.17.a in the Initial Study

The draft analysis concluded that Highway 140 does not currently operate at LOS E or F conditions in the vicinity of the project and is not anticipated to operate at LOS E or F with addition of project trips. Additionally, as the project trips would utilize the existing project access roadway, the project would not create additional risk for a traffic incident or change the local circulation network in a way that would impact a state highway facility. Therefore, preparation of a full traffic impact study, including analysis of LOS, is not required.

Caltrans noted that persons or entities seeking to place an outdoor advertising display that would be subject to provisions of the Outdoor Advertising Act (Business and Professions Code §5200 et seq.) are required to submit an Outdoor Advertising Permit Application to Caltrans.

Recommended Conditions of Approval 7, 8 and 10 address the CALTRANS comments for signage, drainage, and encroachment permit requirements.

Sierra Telephone Comments: Sierra Telephone commented that it has no objections to the proposed project.

Public Comments: Notices were sent out to affected property owners within 2,500 feet of the project boundaries, in accordance with the noticing requirements for the Resort Commercial zone. At the time of staff report preparation, no comments had been received.

Project Conditions And Findings: As noted above, a CIM Plan is considered an amendment to the land use of a site and is therefore processed in accordance with Chapter 17.128 (Amendments) of Title 17 (Zoning Ordinance). Section 17.128.050 contains the findings that are required to be made for an amendment, and these findings apply to this project. The findings are shown in Exhibit 1 and conditions and mitigation measures are shown in Exhibit 2. Of the Board of Supervisors Resolution. (Attachment – D BOS Resolution)

Attachments:

A. Initial Study
B. Mitigated Negative Declaration
C. Site Plans
D. Resolution

Attachment: Staff Report (RES-2022-29 : Commercial-Industrial-Manufacturing (CIM) Plan No. 2021-124; Wildhaven Yosemite)

County of Mariposa

California Environmental Quality Act
Initial Study

A. PROJECT INFORMATION:

Project Title: **Commercial-Industrial-Manufacturing (CIM) Plan No. 2021-124**

Lead Agency: Mariposa County

Date: November 2021

Contact: Alvaro Arias, Deputy Director or Steve Engfer, Senior Planner
Mariposa County Planning Department
5100 Bullion Street, Mariposa, CA 95338
P.O. Box 2039, Mariposa CA 95338
Phone: (209) 966-5151 Fax: (209) 742-5024
Email: *sengfer@mariposacounty.org*

Project Applicant: CalCamp2 LLC, dba Wildhaven Yosemite
996 Grove Street
Healdsburg, CA 95448
Telephone: (978) 857-1035
Email: brian@ccc.camp

Location: The project site is located at 4808 Highway 140, Mariposa, Ca and is known as APN 012-180-056. It is in projected Section 26, Township 5 South, Range 18 East, M.D.B.&M, Rancho Las Mariposas. It is within the USGS 7.5-minute Mariposa topographic quadrangle at 37°28'15"N/119°57'40"W. The project site is located just south of the community of Mariposa.

Project Description: The Wildhaven Yosemite project is proposed to be developed on the current location of the 36-acre Yosemite Ziplines and Adventure Ranch property. The project proposes to construct 80 canvas tents in two (2) phases. The project applicant would develop accessory facilities associated with a campground, including platform tents, a bathhouse, parking spaces, on-site water and sewer facilities, and other support facilities.

Project phasing is proposed as follows:

Phase I

- Construction of approximately 40 basic wood tent platforms, ranging in size from 10' x 20' to 12' x 24'.
- Pitch and furnish 40 canvas tents on top of tent platforms, which at full occupancy would hold 100 guests (assuming 2.5 average guests per tent).
- Build an approximately 10' x 10' reception/check-in kiosk.
- Design and build the communal bathhouse, supporting both Phase I and Phase II. The estimated size of the facility is 20' x 60' with rustic post and beam construction housing men's and women's bathrooms and approximately 10 shower stalls and eight toilets in each. The

Attachment: Initial Study (RES-2022-29 : Commercial-Industrial-Manufacturing (CIM) Plan No. 2021-124; Wildhaven Yosemite)

facility will be served by a new well (specific for a public water system) to be drilled on site and the property's existing electrical infrastructure.
- Construction of a septic system to support the bathhouse.
- Install an automatic gate with emergency controls for fire service access.
- Install non-permanent propane fire pits at the premium tents to reduce fire risk; the one common area non-permanent fire pit may switch to wood fuel in the winter months and would be managed by Wildhaven staff.

Phase II
- Build and furnish another approximately 40 tents using the same Phase I specifications. Completion of this construction would bring total tent capacity up to 80, which would serve 200 guests at full occupancy (assuming 2.5 average guests per tent).
- Provide a portable bathroom trailer.

The site plan also shows the installation of a 50,000 gallon storage tank for fire fighting and back-up domestic supply. The existing horse barn will be removed as part of site development.

The project proponent may incorporate the existing zipline amenity into the campground project. The zipline would be for the sole use of overnight campers. The existing ropes course will be removed.

Hours of operation:
The campground would be operated daily on a year-round basis. Hours of operation would be 24 hours a day with check-in between 3:00 p.m. – 7:00 p.m.

Number of employees:
The campground will have a total of ten (10) employees; five (5) full time and five (5) part time. One (1) general manager would live in the existing on-site house. Three (3) maintenance staff may live in RVs on the site if allowed by code. The remaining six (6) employees would be front desk and housekeepers.

Number of anticipated customers:
Fifty (50) to up to two hundred (200) maximum daily.

Parking:
There are currently forty (40) parking spaces on site to serve the Yosemite Zipline and Adventure Ranch project. Forty-two (42) spaces will be added to bring total on-site parking spaces to eighty-two (82).

Access:
Primary access will be from an existing driveway connected to State Highway 140. The internal roadway to access the site will be a two-lane 24-foot wide graveled road. The site plan shows that roadways accessing the project's tent areas will be one-way and graveled; where grades exceed 16%, the access driveways will be asphalted. Internal access roads and driveways will be

Attachment: Initial Study (RES-2022-29 : Commercial-Industrial-Manufacturing (CIM) Plan No. 2021-124; Wildhaven Yosemite)

subject to state fire safe and local standards as well as applicable special occupancy park standards contained in Section 2106 (Roadways) of Article 2 (General Park Requirements), Title 25, Division 1, Chapter 2.2 – Special Occupancy Parks, California Code of Regulations.

Walking trails to access cabins from parking areas have been incorporated into project design.

General Plan/Zoning: The Mariposa County General Plan land use classification for the property is Rural Economic/Recreation subclassification. Recreation is a subclassification in the Rural Economic land use classification. The property is zoned Resort Commercial. Campgrounds are a permitted use in this zone. A CIM Plan is required to be approved by the Mariposa County Planning Commission and Board of Supervisors in order to develop property in the Resort Commercial Zone.

Site Development Characteristics: The site currently contains the Yosemite Ziplines and Adventure Ranch recreational development. The terrain and vegetation on the project site are typical of land at this elevation in the Sierra foothills. The site is at the roughly 2,000 to 2,500 foot elevation. The terrain is relatively flat to up to 25% slope. There are no significant drainages on the site that would be impacted by the project. There are ephemeral drainages on the site. Vegetation on the site consists of native grasses, blue oak, white oak, interior live oak, bull pine, as well and buck brush, manzanita, and other native shrubs.

Permitting and Operation: The proposed campground is considered a Special Occupancy Park and is therefore subject to all of the applicable development and operational standards contained in Title 25, Division 1, Chapter 2.2 – Special Occupancy Parks, California Code of Regulations. The campground will be permitted and monitored by the California Housing and Community Development Department.

The project applicant proposes to drill a well on the site to serve the bathhouse and restroom facilities. Should the project provide drinking water from the on-site well to the proposed number of guests, it will be required to obtain a transient, non-community water system permit from the California Department of Public Health, Division of Drinking Water and Environmental Management.

Project Studies: The following studies have been completed for this project and are available for review (except the Cultural Resources Survey) at the Mariposa County Planning Department. Recommendations and conclusions of these studies are discussed in this study and are part of the proposed project.

a. Wildhaven Yosemite CIM Application – Preliminary Biological Resources Constraints Analysis, Environmental Science Associates, April 2021.

b. Wildhaven Yosemite Project: Results of the 2021 Special-Status Plant Surveys, Environmental Science Associates, June 24, 2021.

Attachment: Initial Study (RES-2022-29 : Commercial-Industrial-Manufacturing (CIM) Plan No. 2021-124; Wildhaven Yosemite)

c. Cultural Resources Findings for the Wildhaven Yosemite Project, Environmental Science Associates, April 6, 2021. **(Confidential-Not available for public review).**

d. Draft Wildhaven Yosemite Traffic Impact Analysis, Wood Rogers, April 19, 2021.

e. Geotechnical Engineering Investigation – Proposed Wildhaven Yosemite Project, 4808 CA-140, Mariposa, California; Krazan & Associates, Inc. Geotechnical Engineering Division, May 21, 2021.

f. Draft Wildhaven Yosemite Commercial, Industrial, & Manufacturing Site Plan (CIM) Application – Air Quality and Greenhouse Gas Technical Memorandum; Environmental Science Associates, July 2021.

g. Fire Hazard Mitigation Plan – Wildhaven Yosemite Project, Dudek, June 2021.

h. Preliminary Technical Report – Wildhaven Yosemite, Summit, July 12, 2021.

Uses of this Document The following permits may be required and Responsible and Trustee Agencies may wish to use this document in the review of these permits.

- A National Pollutant Discharge Elimination System (NPDES) General Permit may be required from the Regional Water Quality Control Board for conveyed discharges into ephemeral drainages and Mariposa Creek.
- Stormwater Pollution Prevention Plan approved by the Central Valley Regional Quality Control Board (Region 5).
- Transient, non-community water system permit from the California Department of Public Health, Division of Drinking Water and Environmental Management.
- Special Occupancy Park permit and annual operating permits from the California Housing and Community Development Department.
- Clean Water Act Section 404 permit from the U.S. Army Corps of Engineers.
- Clean Water Act Section 401 Water Quality Certification from the Central Valley Regional Water Quality Control Board.
- Section 1600 Lake and Streambed Alteration Agreement from the California Department of Fish and Wildlife.
- Encroachment permit from Caltrans for any work performed in the SR 140 right-of-way.
- Outdoor Advertising Permit from Caltrans for all outdoor advertising displays visible to traffic on State Highway facilities that are subject to provisions of the Outdoor Advertising Act (Business and Professions Code §5200 et seq.).

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Reference Documents: All of the documents cited and relied upon in the preparation of this Initial Study are available at the County of Mariposa Planning Department, with the exception of the Cultural Resources Survey for this property, which is confidential, and are hereby incorporated into the record for this Initial Study.

Attachment: Initial Study (RES-2022-29 : Commercial-Industrial-Manufacturing (CIM) Plan No. 2021-124; Wildhaven Yosemite)

B. SUMMARY OF PROJECT IMPACT TO ENVIRONMENTAL FACTORS:

(blank): no impact
L: Less than Significant Impact
M: Less than Significant Impact with Mitigation
PS: Potentially Significant

L	*Aesthetics*		*Agriculture/Forest Res.*	**L**	*Air Quality*
M	*Biological Resources*	**M**	*Cultural Resources*	**L**	*Energy*
L	*Geology/Soils*	**L**	*Greenhouse Gas Emissions*	**L**	*Hazards and Hazardous Mat.*
L	*Hydrology/Water Quality*		*Land Use/Planning*		*Mineral Resources*
L	*Noise*	**L**	*Population/Housing*	**L**	*Public Services*
L	*Recreation*	**L**	*Transportation*	**L**	*Tribal Cultural Res.*
L	*Utilities/Service Systems*	**L**	*Wildfire*	**M**	*Mandatory Findings of Significance*

This study found that the project has the potential to have significant impacts on biological resources; i.e. ephemeral drainages/riparian features; special status bat species; special status plant species and nesting raptors and migratory birds. The project also has the potential to have a significant impact on cultural resources and human remains that may be found during project construction. Mitigation measures are proposed to reduce these potentially significant impacts to less than significant levels. These measures are shown in the Biological Resources and Cultural Resources sections and Section D of this Initial Study.

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Section A
CEQA DETERMINATION OF IMPACT

On the basis of this initial evaluation:

[ ] 1) I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

[√] 2) I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

[ ] 3) I find the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

[ ] 4) I find the proposed project MAY have a "potentially significant impact" or "Less Than Significant With Mitigation" impact on the environment, but at least one effect: 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

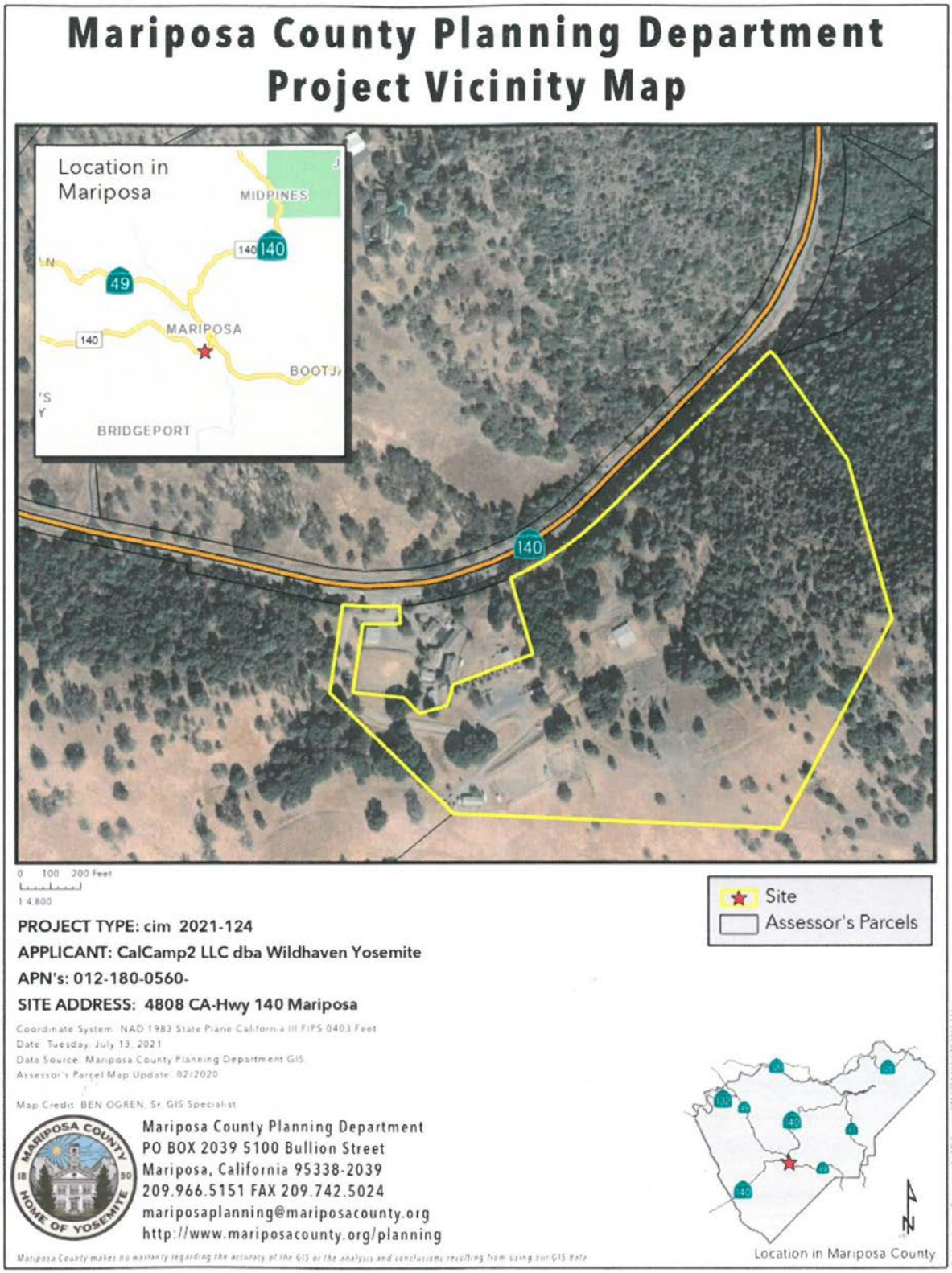
[ ] 5) I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects: (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR, or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

By: Alvaro Arias Date: 11/08/2021

Title: Deputy Director Representing: County of Mariposa

Signature: /s/

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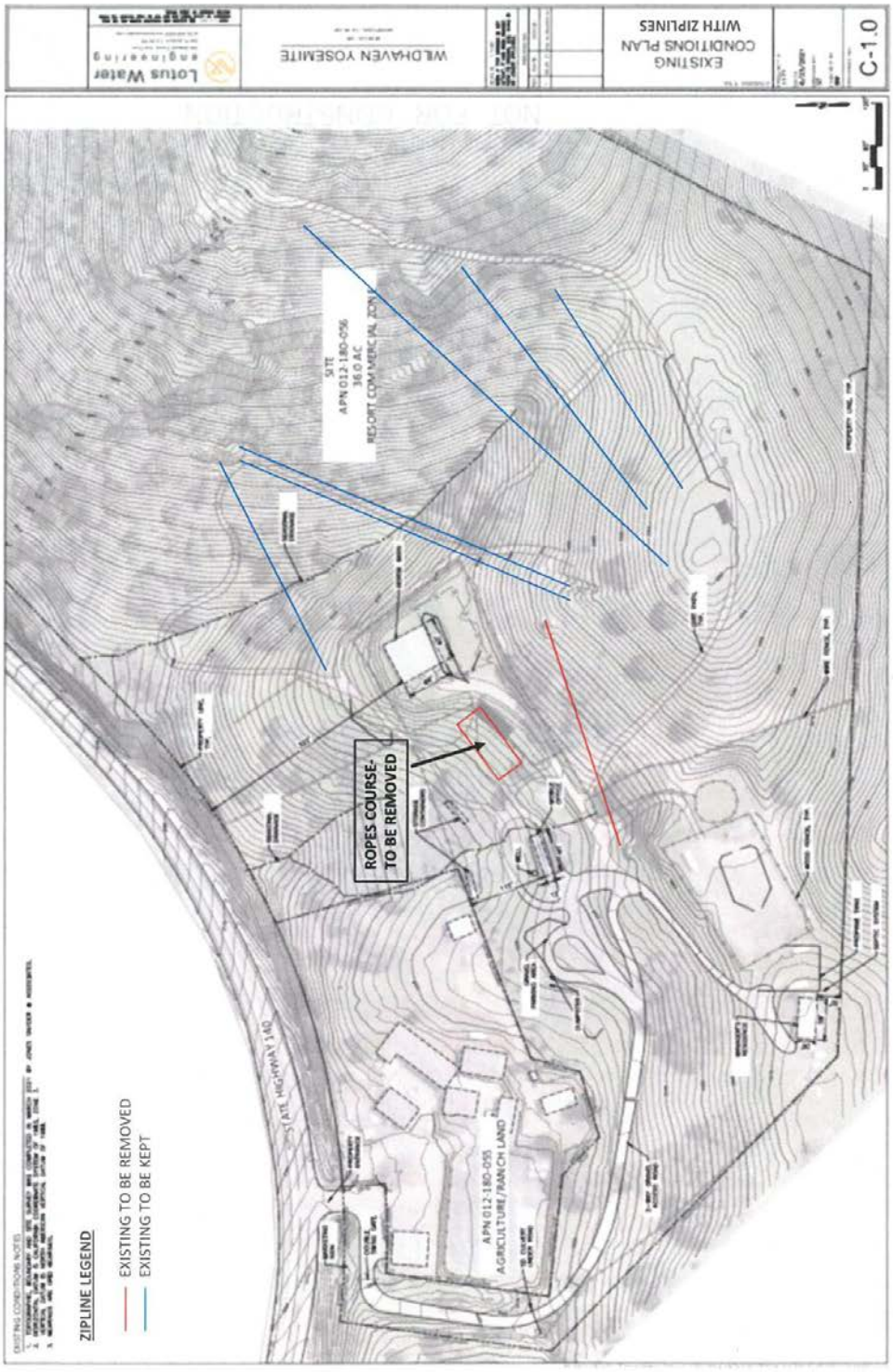


Attachment: Initial Study (RES-2022-29 : Commercial-Industrial-Manufacturing (CIM) Plan No. 2021-124; Wildhaven Yosemite)

Project Site Plan



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Section B
CEQA ENVIRONMENTAL CHECKLIST
EVALUATION OF ENVIRONMENTAL IMPACTS

1. AESTHETICS

1. AESTHETICS Would the project:	Potentially significant impact	Less than significant with mitigation incorporation	Less than significant impact	No impact
a) Have a substantial adverse effect on a scenic vista?			√	
b) Substantially damage scenic resources, including but not limited to: trees, rock outcroppings, and historic buildings within a state scenic highway?				√
c) In nonurbanized areas, substantially degrade the existing visual character or quality of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?			√	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			√	

B.1. a, c

A significant impact would occur if the project had a substantial adverse effect on a scenic vista or if it substantially degraded the visual character or quality of the site or its surroundings. The site has been developed with a commercial recreational project that includes a parking lot and a residence used for management of the project, as well as a horse barn and mobile office. The site also has structures associated with the ziplines. The proposed project will add 42 parking spaces, access roads within the project site, a bathhouse and 80 canvas tents.

The portion of the site currently developed and proposed to be developed will be largely screened from neighboring properties to the west, south and east due to distance, terrain and vegetation. Property in the immediate vicinity of the project site to the east, west, and south is within a large 2,700-acre ranch holding and is zoned for agricultural purposes and devoid of development. The immediately adjacent 3.70-acre parcel located between the project site and Highway 140 contains the headquarters of the Mariposa County Fire Department. Potential visual impacts on residences and roadways to the south of the project site will be significantly reduced if not entirely eliminated by distance, terrain and vegetation. The nearest residential structure to the north is located roughly 2,400 feet from the developed portion of the project site and, although at a higher elevation than the project site, vegetation and terrain would screen the project from this residence.

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There are two elements involved in determining the level of significance of potential impacts to visual quality; the effect of the project on:

1) The rural character of the area, as that character is defined by the General Plan; and

2) Viewsheds in relation to the values expressed in the Mariposa County General Plan regarding noted types of sensitive landscape elements.

The General Plan EIR points of significance (Table 4.12-1, pg. 4-69) indicate potentially significant impacts will occur with development of *non-single family residential development* that does not adhere to related General Plan policies of Chapters 5, 7, 10, 11 and 14. Section 5.3.03(E)(3)(b) in the Rural Economic land use classification of the General Plan states *"Views from public rights-of-way in the foreground, middleground or background will not be obstructed by the bulk or height of a structure. The maximum obstruction of a viewshed must not be more than thirty-three (33) percent."* As noted above, the project site is significantly screened from residences and roadways in the general vicinity by distance, terrain, and vegetation. Therefore, this project will not exceed this General Plan standard. Signage for the project will be subject to all standards contained in the County's zoning ordinance.

The project will be subject to all General Plan and zoning standards relating to commercial development. In addition, all outdoor advertising displays visible to traffic on State Highway facilities that are subject to provisions of the Outdoor Advertising Act (Business and Professions Code §5200 et seq.) will be subject to an Outdoor Advertising Permit which is obtained from Caltrans. In addition, signage will be subject to all applicable standards for the Resort Commercial zone.

Given the nature of the development, i.e. dispersed tent areas and limited permanent structures and roadways in the campground project's developed area, as well as the fact that roughly half of the 36-acre site will be left undisturbed by the project, the project meets the requirement that 40% of the project site must remain in open space as per the standards of the Resort Commercial zone. Site development will meet the General Plan standard that lot coverage in the Rural Economic land use classification shall not exceed 35% of the gross land area.

Given these factors, the proposed project will have a less than significant impact on scenic vistas and viewsheds.

B.1.b State Scenic Highway

A significant impact would occur if the project substantially damaged scenic resources within a state scenic highway. The project site is located adjacent to Highway 140. However, this section of Highway 140 does not carry "Scenic Highway" status, and terrain and vegetation will screen the project from travelers along the roadway. The project area is not located near, nor will it be visible from a state scenic highway. *Thus, the project will have no impact.*

B.1.d. Create Light or Glare

A significant impact would be one that creates a new source of substantial light or glare that would adversely affect day or nighttime views in the area. The Conservation and Open Space Element of the Mariposa County General Plan contains a policy and implementation measure relating to limiting light and glare impacts from new development.

Policy 11-1d states the following:

> *Ensure that light sources in new development are compatible with rural character and that the light sources do not produce glare that interferes with vision.*

This policy is followed by Implementation Measure 11-1d(1) which states:

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Include as part of the comprehensive development standards:

- *Lighting standards established by the International Dark Sky Association; and*
- *Require that building materials have a low reflective index.*

Conditions of approval for the CIM Plan will include requirements that the project be consistent with the General Plan standards relating to light and glare. In addition, as noted in 1.a, c above, the project site is significantly screened from residences and roadways in the general area by distance, terrain and vegetation. *Due to these factors, the project will have a less than significant impact on light and glare.*

2. AGRICULTURE and FOREST RESOURCES

2. AGRICULTURE RESOURCES Would the project:	Potentially significant impact	Less than significant with mitigation incorporation	Less than significant impact	No impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				√
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				√
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)) or timberland (as defined in Public Resources Code section 4526) or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?				√
d) Result in loss of forest land or conversion of forest land to non-forest use?				√
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				√

B.2.a Farmland

A significant impact would be one that converts farmland designated as "prime," "unique" or "farmland of statewide importance" to nonagricultural uses. The project is not located in an important farmland area. The 36.3-acre project site is identified as "Other" land on the 2018 Mariposa County Important Farmland Map prepared by the state

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Department of Conservation under the Farmland Mapping and Monitoring Program. Other land is land not included in any other mapping category. Common examples of Other land include low density rural developments, which would describe this project site. The project site has been developed with commercial recreational uses. *Due to these factors, the project will have no impact on any important farmland category.*

B.2.b Agricultural Zoning/Williamson Act Contract

A significant impact would be one that causes a conflict with existing zoning for agricultural use or a Williamson Act contract. The project site is surrounded on three sides by a 2,700-acre ranch holding that is zoned Agriculture Exclusive and is under a Williamson Act contract. The project will not conflict with that zoning nor the Williamson Act contract. *The project will have no impact on this issue.*

B.2.c Forest Land Zoning

A significant impact would occur if the project resulted in a conflict with existing zoning for, or cause rezoning of, forest land. The project site is not zoned as forest land, nor will it cause rezoning of forest land as defined by Public Resources Code section 12220g or timberland as defined in Public Resources Code section 4526. The project site, with the highest elevation being under 2,500 feet, is primarily oak woodland habitat. *The project will have no impact on this issue.*

B.2.d Loss or Conversion of Forest Land

A significant impact would occur if the project resulted in the loss of forest land or conversion of forest land to a non-forest use. The 36.3-acre project site is not considered to be forest land. *The project will have no impact on this issue.*

B.2.e Conversion of Farmland/Forest Land

A significant impact would occur if the project resulted in the conversion of farmland or forest land to non-agricultural or non-forest use. The project will not change the existing environment in a manner that would lead to the conversion of farmland to a non-agricultural use, nor will it lead to the conversion of forest land to non-forest use. *The project will have no impact on this issue.*

B.3 AIR QUALITY

3. AIR QUALITY – [Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.] Would the project:	Potentially significant impact	Less than significant with mitigation incorporation	Less than significant impact	No impact
a) Conflict with or obstruct implementation of the applicable air quality plan?			√	
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?			√	
c) Expose sensitive receptors to			√	

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substantial pollutant concentrations?				
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?			√	

An air quality and greenhouse gas analysis was prepared for the project by Environmental Science Associates. The analysis is titled Draft Wildhaven Yosemite Commercial, Industrial, & Manufacturing Site Plan (CIM) Application – Air Quality and Greenhouse Gas Technical Memorandum and is dated July 2021. The memorandum provides detailed discussion of the environmental setting; climate and topography; criteria air pollutants (CAPs); toxic air contaminants; health effects of CAPs; existing ambient air quality; regulatory setting, including state and national air quality standards and major sources; Mariposa County attainment status for CAPs; hazardous air pollutants; Mariposa County Air Pollution Control District (MCAPCD) CEQA thresholds of significance; Mariposa County General Plan goals, policies and implementation measures relating to air quality; and environmental impacts and mitigation measures. The analysis is on file at the Mariposa County Planning Department, 5100 Bullion Street, Mariposa, CA. The following summarizes the air quality section of that analysis.

B.3.a Air Quality Plan and Violation of Air Quality Standards

A significant impact would be one that conflicts with or obstructs implementation of the applicable air quality plan. The Mariposa County State Implementation Plan (SIP) is a compilation of the MCAPCD rules and regulations. The proposed project would comply with the applicable MCAPCD rules and regulations; therefore, the proposed project would be consistent with the Mariposa County SIP, which is the applicable air quality plan for the project area. *Thus, the impact would be considered less than significant.*

The Mariposa County General Plan includes various policies and actions that both directly and indirectly address air quality issues and GHG emissions within the County. Many of the measures included in the general plan fall under the responsibility of the County for implementation, including requirements for implementing state and federal regulations as well as collaborating with other agencies. Although these measures do not fall under the responsibility of the proposed project and its proponents, *the proposed project would not conflict with or hinder the County's implementation of any of the measures related to air quality and the impact would be considered less than significant.*

Potential project impacts are associated with short-term construction impacts and long-term operational impacts.

Short-Term Construction Impacts:

Unmitigated construction emissions that would result from the use of off-road equipment, haul trucks for exporting materials, on-road worker vehicle use, and vendor delivery trips were analyzed in the technical memorandum. The air quality analysis presented in the memorandum concluded that average daily construction emissions of criteria air pollutants would not exceed the MCAPCD thresholds of significance of 100 tons per year for any criteria air pollutant during construction, before the implementation of mitigation measures.

Prior to commencement of project construction, the project proponent will be required to submit a dust mitigation plan to address mitigation of dust during construction and grading.

Long-Term Operational Impacts:

The air quality analysis concludes that the proposed project would not generate operational emissions of any criteria air pollutant that would exceed the MPAPCD thresholds of 100 tons per year.

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Mass emissions associated with the proposed project would not result in a net increase of criteria air pollutants for which the project area is in non-attainment under an applicable federal or state ambient air quality standard. *The proposed project would have a less than significant with respect to emissions of criteria air pollutants.*

B.3.b Cumulative Impacts

A significant impact would be one that results in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard.

Mariposa County is considered to be a nonattainment area for the state 1-hour ozone standard, and the federal 8-hour ozone standard. Construction and operational emissions of ozone precursors (reactive Organic Gases and nitrogen dioxide) could cumulatively contribute to pollutant concentrations that would exceed the federal and state ambient air quality standards. However, the mass emissions thresholds set by Mariposa County are representative of the allowable incremental contribution of air pollutants from projects that would continue to allow the Mountain Counties Air Basin, of which Mariposa County is a part, to progress towards attainment of the National Ambient Air Quality Standards and the California Ambient Air Quality Standards. Therefore, because the proposed project would not generate emissions during either construction or operation that would exceed the applicable emissions thresholds for criteria pollutants*, the proposed project would not make a significant contribution to cumulative impacts, and the impact would be considered less than significant.*

B.3.c Sensitive Receptors to Pollutants

A significant impact would be one that exposes sensitive receptors to pollutant concentration. Sensitive receptors are defined as members of a population who are most sensitive to the adverse health effects of air pollution and the land uses where these populations groups would reside for long periods. These groups include children, elderly, the acutely ill and the chronically ill, and typical land uses include schools, residential care facilities, and hospitals.

The proposed project would generate emissions of Toxic Air Contaminants (TACs) during construction from the use of heavy duty construction equipment and from diesel-fueled haul trucks. Operation of the proposed project would generate emissions of TACs from testing and maintenance of the emergency standby diesel generator and operation of one communal propane fire pit and 30 propane fire pits, one each at the luxury guest tents. Operational emissions of TACs would be minimal due to the limited amount of time needed for testing and maintenance, approximately 26 hours per year. Furthermore, operation of the single wood-burning communal fire pit (converted from propane during winter) would be limited to three hours per day. The nearest sensitive receptor is a resident located greater than 1,000 feet north of the proposed project site; therefore, the receptor is outside of the 1,000-foot zone of influence generally recommended for evaluating health risk impacts. Construction impacts would be short term. *Due to these factors, TAC emissions generated from the proposed project are unlikely to result in significant health impacts to sensitive receptors.*

B.3.d Other Emissions Affecting Substantial Number of People

A significant impact would be one that results in other emissions (such as those leading to odors) adversely affecting a substantial number of people. Typical land uses that have the potential to generate continuous odorous impacts and odor complaints during operation include wastewater treatment plants, landfills, confined animal facilities, composting stations, food manufacturing plants, refineries, and chemical plants. The proposed project is a campground that does not include land uses that are identified as common odor sources. *Therefore, operation of the proposed project would result in a less than significant impact with respect to odorous emissions.*

B.4 BIOLOGICAL RESOURCES

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4. BIOLOGICAL RESOURCES Would the project:	Potentially significant impact	Less than significant with mitigation incorporation	Less than significant impact	No impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?		√		
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?		√		
c) Have a substantial adverse effect on state or federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?		√		
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?		√		
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			√	
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				√

A Preliminary Biological Resources Constraints Analysis for the Wildhaven Yosemite CIM Application was prepared for the project site by Environmental Science Associates. The analysis is dated April 2021. The purpose of this constraints-level analysis is to document information on existing biological resources in the study area as well as provide information on potential biological and regulatory constraints associated with implementation of the proposed project.

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Environmental Science Associates also conducted special status plant surveys of the Wildhaven Yosemite project site on April 27, 2021 and June 15, 2021. The report of the results of those surveys is dated June 24, 2021. The floristic survey of the project site was performed in accordance with California Department of Fish and Wildlife guidelines. The surveys were appropriately timed to encompass the identification periods of special-status plant species considered to have at least a moderate potential to occur within the survey area. The objectives of these surveys were to document the floristic diversity and to determine the presence or absence of special-status plants within the project site. The entirety of the study area was surveyed on foot by walking transects with approximately 10 feet apart such that visual coverage was 100 percent.

The following summary reflects the information contained in the biological reports for the site. The full biological reports are available for review at the Mariposa County Planning Department.

Habitats within the study area have the potential to support a number of special-status species. Special-status species are protected under a number of state and federal regulations including the Federal Endangered Species Act, Migratory Bird Treaty Act, California Endangered Species Act and the California Fish and Game Code. Future proposed projects may potentially impact these species.

Potentially impacted species are as follows:

- Pallid bat and Townsend's big-eared bat
- Special-status plants
- Nesting raptors and migratory songbirds

B.4.a Candidate, Sensitive or Special Status Species

A significant impact would be one that has a substantial adverse effect on any candidate, sensitive or special status species.

Pallid bat and Townsend's big-eared bat:

Habitats and buildings within the project site provide suitable roosting and foraging habitat for these bat species. The project could result in the removal of trees and/or buildings potentially used for roosting or cause other modifications to habitat. In addition, construction-related activities would temporarily elevate noise levels in areas on and surrounding the construction zone. If construction activities occur during the bat breeding season (April 1st to August 31st), disturbance to roosting sites could have a significant effect on special-status bat species if active maternity roosts are present. *Potential impacts to special-status bat species are considered potentially significant and the following mitigation measure is proposed to reduce these impacts to less than significant levels.*

Mitigation Measure 4.a.1:

Pre-construction field surveys for special status bat species during the breeding season (April 1st to August 31st) shall be conducted by a qualified biologist to determine whether active roosts are present on site, or within 100 feet of the project boundaries. Areas off the project site that are inaccessible due to private property restrictions shall be surveyed using binoculars from the nearest vantage point. Field surveys shall be conducted early in the breeding season before any construction activities begin, when bats are establishing maternity roosts but before pregnant females give birth (April through early May). Surveys shall be conducted no more than seven days prior to the onset of construction. If no roosting bats are found, then no further mitigation is required. If suitable habitat and/or bat signs are detected, a biologist shall conduct evening visual emergence surveys from one-half hour prior to sunset to one to two hours after sunset for a minimum of two nights. If roosting bats are found, the disturbance of the maternity roosts shall be avoided by halting construction until the end of the breeding season, or a qualified bat biologist excludes the roosting bats in consultation with the California Department of Fish

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and Wildlife. If construction activities begin prior to April 1, no pre-construction surveys are required. If at any time during the roosting season construction stops for a period of two weeks or longer, pre-construction surveys shall be conducted prior to construction resuming. The Planning Department shall be provided a copy of the results of any survey conducted and evidence that any required mitigation measures have been implemented prior to initiation of construction or grading activities.

Monitoring for Mitigation Measure 4.a.1:
This mitigation measure will be monitored by the Mariposa County Planning Department through the project construction permitting process.

Special status plants:
Seven special-status plant species have a moderate potential to occur in the project area. Information on the blooming season for the species was used to time when the surveys would occur. One special-status plant species, Mariposa clarkia, was observed during the June 15, 2021 survey. This species is not federally or state listed, but the California Native Plant Society has classified its California Rare Plant Rank as a 1B.2. (fairly threatened in California (20-80% occurrences threatened). Four individuals were found in the montane hardwood-conifer woodlands in the project site towards the eastern portion of the study area. This is a portion of the 36 acres that is steep and not slated for any development as part of the Wildhaven Yosemite project.

There is more suitable habitat present within the study area, beyond where Mariposa clarkia was observed, but no other individuals were found. No other special-status plant species were observed during the two surveys, nor were there any sensitive natural communities observed. *Potential impacts to special-status plant species at the time of project construction are considered potentially significant and the following mitigation measure is proposed to reduce these impacts to a less than significant level.*

Mitigation Measure 4.a.2:
Pre-construction field surveys for special status plant species identified as having a medium to high potential to occur within the habitats identified on the project site shall be conducted by a qualified biologist prior to commencement of construction activities. Surveys shall be conducted following the Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (California Department of Fish and Wildlife, 2018). Surveys are to be conducted in April and June of the year construction is to commence. As an example, if construction is to commence in August of a particular year, surveys conducted in April and June of that year will satisfy the pre-construction survey requirement. Surveys from prior years may be used in a prescribed circumstance. For example, if construction is to commence in May of a particular year, surveys from April of that year and June of the prior year will satisfy the pre-construction survey requirement. If such species are found, the project proponent shall prepare and implement a Transplantation and Monitoring Plan. The Plan shall be subject to review and approval by the California Department of Fish and Wildlife prior to commencement of any construction activities within the special-status plant species area. The Plan shall describe the intent and anticipated success of transplanting, and specific success criteria for transplanted plants and related long-term protection and management of transplanted plants. The Planning Department shall be provided a copy of the results of any pre-construction surveys conducted on the project site and any approved Transplanting and Monitoring Plan and evidence that any required mitigation measures contained in the Plan have been implemented prior to initiation of construction or grading activities.

Monitoring for Mitigation Measure 4.a.2:
This mitigation measure will be monitored by the Mariposa County Planning Department through the project construction permitting process.

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B.4.b, c Riparian or Other Sensitive Natural Community/Wetlands

A significant impact would occur if the project had a substantial adverse effect on any riparian habitat or other sensitive natural community or wetlands. The project site contains two ephemeral channels/drainage swales. A formal delineation of potentially jurisdictional wetlands and other waters of the U.S. and/or state within the study area has not been conducted. However, the project site supports aquatic resources in the form of ephemeral channels that may be subject to U.S. Army Corps of Engineers jurisdiction under Section of 404 of the Clean Water Act or protection under Porter-Cologne Act or California Fish and Game Code Section 1600, et seq.

As currently designed, the project will not result in direct impacts to potential jurisdictional wetlands and other waters of the U.S. and/or state. However, indirect impacts could result from construction activities in close proximity to these features. In general, indirect impacts can include fragmentation of habitat, altered hydrology, and increased erosion and turbidity through soil disturbance. *Potential impacts to riparian features are considered potentially significant and the following mitigation measure is proposed to reduce these impacts to a less than significant level.*

Mitigation Measure 4.b.1:

The project proponent shall prepare and implement a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP shall be prepared in accordance with State Water Resources Control Board standards and shall include a grading and erosion control plan required for all construction plans to address potential erosion control during construction. All construction plans and activities shall implement Best Management Practices (BMP) to provide effective erosion, runoff, and sediment control. BMPs may include, but not be limited to, the use of straw waddles protecting down slope water features from construction activities, the use of silt fencing, or placement of construction exclusion fencing around stream or wetland resources in the vicinity of an activity. BMPs shall be selected to achieve maximum sediment removal and to represent the best available technology that is economically achievable.

If the project design changes and direct impacts to aquatic resources are anticipated, prior to the commencement of construction or grading activities in aquatic resources (such as ephemeral channels) within areas proposed for development, the project proponent shall acquire all applicable state and federal wetland and waters permits.

The Planning Department shall be provided a copy of all permit applications and evidence of approval of permits by applicable agencies, and evidence that any required measures approved by applicable agencies to protect water features have been implemented prior to initiation of construction or grading activities.

Monitoring for Mitigation Measure 4.b.1:

This mitigation measure will be monitored by the Mariposa County Planning Department through the project construction process.

B.4.d. Migration/Native Wildlife Nursery Sites

A significant impact would be one that interferes with the movement of native resident or migratory fish or wildlife species, migration corridors, or one which impedes the use of native wildlife nursery sites. The study area is not situated within a known wildlife movement corridor. Any disturbance to wildlife movement as a result of the project would be temporary in nature. The entire site would still be available for wildlife movement due to the location and low degree of overall impacts at the landscape level. *Impact to wildlife movement corridors is expected to be less than significant.*

Portions of the Wildhaven Yosemite property may support nesting birds, including, but not limited to, common migratory birds and raptors. Construction of the project may result in the removal of mature trees and other

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vegetation which may serve as perching or nesting sites for raptors and migratory birds, including raptors. Vegetation removal may result in the loss of nest sites. Human disturbances and noise from construction activities have the potential to cause nest abandonment and death of young or loss of reproductive success at active nests where they are located near project activities. Potential impacts to birds would be limited to the timing of the construction activities. During the non-breeding season, it is anticipated that any migratory birds or raptors using mature trees as perching sites for foraging would vacate the site upon the initiation of construction activities.

Project impacts to nesting raptors are potentially significant. *The following mitigation measure is proposed to reduce these potentially significant impacts to less than significant level.*

Mitigation Measure 4.d.1:

Pre-construction surveys by a qualified biologist for active nests in suitable nesting habitat for raptors and migratory birds within 500 feet of the construction area during the nesting season (February 1 to September 15) shall be conducted. Areas off the project site that are inaccessible due to private property restrictions shall be surveyed using binoculars from the nearest vantage point. The survey shall be conducted no more than seven days prior to the onset of construction. If no active nests are identified during the pre-construction survey, no further mitigation is necessary. If construction activities begin prior to February 1, it is assumed that no birds would nest in the project site during active construction activities and no pre-construction surveys are required. If at any time during the nesting season construction stops for a period of two weeks or longer, pre-construction surveys shall be conducted prior to construction resuming. If active nests are found during the survey, the project proponent shall implement mitigation measures to ensure that the species would not be adversely affected, which would include establishing a no-work buffer zone as, approved by the California Department of Fish and Wildlife, around the active nest. Measures shall include, but would not be limited to:

1. *For trees with active nests, the project proponent shall conduct any tree removal activities required for project construction outside of the migratory bird breeding season (February 1 through September 15).*
2. *If active nests are found on or within 500 feet of the project site, then the project proponent shall establish no disturbance buffers for active nests of 250 feet for migratory bird species and 500 feet for raptor species until the breeding season has ended, or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. Depending on the conditions specific to each nest, and the relative location and rate of construction activities, it may be feasible for construction to occur as planned within the buffer without impacting the breeding effort. Nests that are inaccessible due to private property restrictions shall be monitored using binoculars from the nearest vantage point. Construction activities may be halted at any time if, in the professional opinion of the biologist, construction activities are affecting the breeding effort.*
3. *Depending on conditions specific to each nest, and the relative location and rate of construction activities, it may be feasible for construction to occur as planned within the buffer without impacting the breeding effort. In this case (to be determined on a case-by-case basis), the nest(s) shall be monitored by a qualified biologist during construction within the buffer. If, in the professional opinion of the monitor the project would impact the nest, the biologist shall immediately inform the construction manager and the project proponent shall notify the California Department of Fish and Wildlife. The construction manager shall stop construction activities within the buffer until the nest is no longer active. Completion of the nesting cycle shall be determined by a qualified biologist. If construction begins outside of the migratory bird breeding season (February 1 through September 15), then the project proponent is permitted to continue construction activities throughout the breeding season.*

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The Planning Department shall be provided a copy of the results of any survey conducted and evidence that any required mitigation measures have been implemented prior to initiation of construction or grading activities.

Monitoring for Mitigation Measure 4.d.1:
This mitigation measure will be monitored by the Mariposa County Planning Department through the project construction permitting process.

B.4.e Ordinances and Policies Protecting Biological Resources

A significant impact would be one that conflicts with local ordinances and policies protecting local biological resources. The preliminary biological resources constraints analysis did not identify any project impacts on ordinance or policies protecting biological resources. General Plan policy 11-4a(8) requires that the County comply with federal and state regulations to require measures to protect and avoid, to the extent feasible, sensitive native plant communities. Public Resources Code Section 21083.1 requires that the County determine whether the project will have a significant adverse effect on an Oak Woodland. If the County determines that a significant effect may occur, the County shall require one or more of the following mitigation measures: 1) Conservation easements; 2) planting to replace dead or dying trees, (managed for a maximum of 7 years; fulfills a maximum of one-half of mitigation requirement), 3) restoration of former woodland habitat; or 4) other measures developed by the County. The General Plan EIR "Points of Significance" state that a loss of greater than 25% of each sensitive native plant community on a site is considered a potentially significant impact. Roughly half of the 36-acre site will not be disturbed by development of the campground project. This roughly eastern half of the site is heavily wooded and is outside the perimeter of the developed campground area. Vegetation management has occurred on the developed portion of the project site with the operation of the Yosemite Ziplines and Adventure Ranch project and this area is relatively open and not heavily wooded as is the eastern portion of the site. It is likely that as many trees as possible will be retained for the purposes of aesthetics and shading as the campground project is developed. The site plan for the project shows that the development of access roads and campground amenities will allow a substantial amount of the existing native vegetation, including oak trees, to remain undisturbed. Less than 25% of the oak woodland habitat on the project site will be impacted by development. *Therefore, the project will have a less than significant impact on this issue.*

B.4.f Conservation Plans

A significant impact would be one that conflicts with any conservation plan. The project site has already been developed with the Yosemite Ziplines and Adventure Ranch commercial recreation project. The biological resources analysis did not find that project would conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. *The project will have no impact on this issue.*

B.5 CULTURAL RESOURCES

5. CULTURAL RESOURCES Would the project:	Potentially significant impact	Less than significant with mitigation incorporation	Less than significant impact	No impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?				√
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?				√

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c) Disturb any human remains, including those interred outside of dedicated cemeteries?		√		

A cultural resources survey of the project site was conducted by Environmental Science Associates (ESA) on March 22, 2021. All areas of proposed ground disturbance were walked to provide an overall assessment of existing conditions. Visibility was good, though there were trees and other foliage through the surveyed area. Overall, there was 80 percent visibility of the surveyed area.

In addition, as part of the cultural resources survey of the site, ESA contacted the Native American Heritage Commission (NAHC) on March 5, 2021 to request a search of the NAHC's Sacred Lands File (SLF) and a list of Native American representatives who may have an interest in the project. The NAHC's reply indicated that the SLF has no record of any cultural resources in the project vicinity.

B.5.a, b Historic/Archaeological Resources

A significant impact would be one that would cause a substantial adverse change in the significance of a historic or archaeological resource. The cultural resources survey of the project site revealed no cultural resources or other evidence of past human use or occupation, besides the modern features located on the project site. *The project will have no impact on these issues.*

There is the potential for historic and/or archaeological resources to be discovered during project construction. Mitigation Measure 5.c.1 below addresses this potential impact. Implementation of this measure will reduce potentially significant impacts on these resources to a less than significant level.

B.5. c Human Remains

A mitigation measure consistent with the California Native American Historical, Cultural and Sacred Sites Act will reduce any potential impact to cultural resources and remains found during project implementation to a less than significant level. This mitigation measure is as stated below.

Mitigation Measure 5.c.1:

In the event human remains, artifacts, or potentially significant cultural resources are discovered during ground disturbance on the project site, a Native American monitor shall be on-site for the duration of ground disturbance. During road grading, soil testing and/or construction, or any activity that involves ground disturbance necessary to implement the project, if any signs of prehistoric, historic, archaeological, paleontological resources are evident, all work activity within fifty (50) feet of the find shall stop and the Mariposa County Planning Department shall be notified immediately. No work shall be done within fifty (50) feet of the find until Planning has identified appropriate measures to protect the find and those measures have been implemented by the applicant. Protection measures for the site may include, but not be limited to, requiring the applicant to hire a qualified archaeologist who shall conduct necessary inspections and research, and who may supervise all further ground disturbance activities and make any such recommendations as necessary to ensure compliance with applicable regulations. In addition to the Planning Department, the Mariposa County Coroner and the Native American Heritage Commission (NAHC) shall be notified should human remains be discovered. If the remains are determined by the Native American Heritage Commission to be Native American, the NAHC guidelines shall be adhered to in treatment and disposition of the remains. Representatives of the Most Likely Descendant shall be requested to be on-site during disturbance and/or removal of human remains.

Monitoring for Mitigation Measure 5.c.1: The applicant or his on-site designee shall be responsible for ensuring compliance with this mitigation and the Mariposa County Planning Department will monitor the measure through the project construction permitting process.

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Caltrans comments on the project state that Caltrans has an environmentally sensitive area recorded at SR 140 Post Mile (PM) 19.92 – 20.70. If any work occurs within the right-of-way (ROW) at the project location of SR 140 20.419, tribal consultation will be required at this location. Caltrans requests the project proponent coordinate with Caltrans prior to submitting an encroachment permit application. This issue will be addressed during review of any encroachment permit application for project work conducted in the SR 140 ROW.

B.6 ENERGY

6. ENERGY Would the project:	Potentially significant impact	Less than significant with mitigation incorporation	Less than significant impact	No impact
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?			√	
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?			√	

B.6. a, b Energy

A significant impact would occur if the project resulted in potentially significant environmental impact due to wasteful, inefficient or unnecessary energy consumption or conflicted with renewable energy or energy efficiency plans. The proposed project is a campground, the operation of which would require minimal energy usage in comparison to other more intensive commercial/recreational projects. During construction there would be a temporary consumption of energy resources required for the movement of equipment and materials; however, the duration is limited due to the phasing of construction, and the limited area of construction. Compliance with local, state, and federal regulations would reduce short-term energy demand during the project's construction to the extent feasible, and project construction would not result in a wasteful or inefficient use of energy. Overall, the construction and operation of this proposed project would not require the creation of a new source of energy.

There are no unusual project characteristics or processes involved in this project that would require the use of equipment that would be more energy intensive than is used for comparable activities, or the use of equipment that would not conform to current emissions standards and related fuel efficiencies. Furthermore, through compliance with applicable requirements and/or regulations during the building permit process, the project would be consistent with state requirements, and would not consume energy resources in a wasteful or inefficient manner.

State and local agencies regulate the use and consumption of energy through various methods and programs. As a result of the passage of Assembly Bill 32 (AB 32) which seeks to reduce the effects of Greenhouse Gas (GHG) Emissions, a majority of the state regulations are intended to reduce energy use and GHG emissions. These include, among others, California Code of Regulations Title 24, Part 6–Energy Efficiency Standards, and the California Code of Regulations Title 24, Part 11– California Green Building Standards (CALGreen). In Mariposa County, the County's Building Department enforces the applicable requirements of the Energy Efficiency Standards and Green Building Standards in Title 24. Accordingly, the proposed project would not conflict with or obstruct state or local plans for renewable energy or energy efficiency.

The project will have a less than significant impact on the issue of energy.

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B.7 GEOLOGY AND SOILS

7. GEOLOGY AND SOILS -- Would the project: a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:	Potentially significant impact	Less than significant with mitigation incorporation	Less than significant impact	No impact
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			√	
ii) Strong seismic ground shaking?			√	
iii) Seismic-related ground failure, including liquefaction?			√	
iv) Landslides?			√	
b) Result in substantial soil erosion or the loss of topsoil?			√	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			√	
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?			√	
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?			√	
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			√	

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A Geotechnical Engineering Investigation of the project site was conducted by Krazan & Associates. The report of that investigation is dated May 21, 2021 and is on file at the Mariposa County Planning Department, 5100 Bullion Street, Mariposa, CA. The following summarizes that report.

The purpose of the investigation was to evaluate the soil and groundwater conditions at the site, to make geotechnical engineering recommendations for use in design of specific construction elements, and to provide criteria for site preparation and engineered fill construction. The investigation included a site reconnaissance to evaluate surface conditions, a field investigation consisting of drilling seven borings to depths ranging from seven to 16 feet and performing three percolation tests at depths of four to five feet to evaluate subsurface conditions, performing laboratory tests on representative soil samples obtained from the borings to evaluate the physical and index properties of the subsurface soils, and evaluating the data obtained to provide recommendations for use in the project design and preparation of construction specifications.

The investigation focused on potential constraints on the construction of the communal bathhouse, which is anticipated to have a concrete slab-on grade floor and shallow foundations; the onsite wastewater disposal system associated with the communal bathhouse; and miscellaneous underground utilities and minor roadway improvements.

The investigation report concludes that subject site and soil conditions, with the exception of the surface soils that have a variable density, moderate shrink/swell potential and poor absorption characteristics, appear to be conducive to the development of the project.

B.7.a, c Faults, Ground Shaking, Ground Failure and Landslides/Unstable Soil

A significant impact would be one that exposes people or structures to loss, injury or death due to seismic or landslide activity. The geotechnical engineering investigation states that there are no active fault traces in the project vicinity. Accordingly, the project is not within an Earthquake Fault Zone (Special Studies Zone). However, it is anticipated that the project site will be subject to some ground shaking during a seismic event. Secondary hazards from earthquakes include rupture, seiche, landslides, liquefaction, and seismic settlement. Since there are no known faults within the immediate area, ground rupture from surface faulting should not be a potential problem. Seiche and landslides are not hazards in the area either. Considering the seismic setting and relatively shallow depth to bedrock at the project site, the risk of liquefaction (sudden loss of shear strength in a saturated cohesionless soil) or seismic settlement occurring during a seismic event is considered negligible.

Future construction on the project site will be subject to the 2019 California Building Code (CBC) or update, depending on when construction occurs and the regulations in effect at the time. The geotechnical investigation conducted for the site measured soil conditions against seismic parameters contained in the 2019 CBC. Site Class per Section 1613 of the code and American Society of Civil Engineers 7-16, Chapter 20, is based upon the site soil conditions. The investigation concludes that Site Class C is most consistent with the subject site soil conditions. For seismic design of the structures based on the seismic provisions of the 2019 CBC, the investigation recommends specific seismic parameters as shown on page 16 of the geotechnical engineering investigation. All construction in California is required to comply with all CBC standards with respect to the seismic design category applicable to a specific area. *Thus, the project will have a less than significant impact on these issues.*

B.7.b Soil Erosion

A significant impact would be one that results in substantial soil erosion or loss of topsoil. The preparation of the site for construction will entail grading for roads/driveways and structures.

The 2019 California Code of Regulations Title 24, Parts 1-12 standards, contains drainage plan requirements to ensure that any changes to existing drainages are done in such a way as to ensure that the function and capacity of the affected drainage course is maintained following construction. Soil compaction standards, provisions for

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sediment control during construction, and re-vegetation following construction are contained in this code language. Onsite inspections by the Building Department are conducted to ensure compliance with these requirements.

In addition, if more than one acre of land will be disturbed, the project will be subject to a National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges of Storm Water Associated with Construction Activity from the Regional Water Quality Control Board. This permitting is part of the existing regulatory environment and is addressed in the standard conditions of approval for projects in Mariposa County.

These adopted policies and ordinance requirements, the required permits and onsite inspections, will ensure *a less than significant impact* from future grading activities associated with implementation of the development of the site and access roads.

B.7.d Expansive Soils

A significant impact would occur if the project is placed on expansive soils and creates substantial risk to life or property. Construction on the project parcel will require compliance with 2019 California Code of Regulations Title 24, Parts 1-12 standards for the construction of foundations. The California Building Code standards are implemented through the building permit process. Onsite inspections by building inspectors are conducted to ensure construction is in compliance with these standards. Site construction will occur in compliance with the recommendations contained in the geotechnical investigation of the project site conducted by Krazan & Associates. Based upon the existing permit requirements in place, the implementation of 2019 California Code of Regulations Title 24, Parts 1-12, engineering recommendations for construction on the project site, and the onsite inspections, *the project will have a less than significant impact.*

B.7.e Septic Systems

A significant impact would occur if the soil on site is unable to support the septic tank/disposal field system proposed to be installed for the project. The geotechnical engineering investigation of the project site found that field exploration and percolation testing indicate the onsite soil/weathered bedrock profile is not suitable for the installation of a septic system with a standard disposal field that utilizes leach lines, leaching beds, or seepage pits. However, a mounded leach field or some other engineered onsite wastewater disposal system, such as an aerobic pretreatment system with a raised sand bed, may be feasible. The geotechnical investigation provides recommendations for a mound leach field system. The Mariposa County Environmental Health Unit (EHU) states that a full design of the proposed system including soil profile and percolation test results must be submitted for review and approval at the building permit phase of project implementation. *Oversight by the EHU will ensure that the project will have a less than significant impact on the issue of septic disposal.*

B.7.f Paleontological or Unique Geologic Features

A significant impact would occur if the project would directly or indirectly destroy a unique paleontological resource or site or unique geological feature. The site is currently used for commercial recreational purposes. There are no known unique geologic features located on the project site. Mitigation measure 5.c.1 requires that work be stopped and that the Mariposa County Planning Department be contacted if a resource is discovered during earth work. *With implementation of this mitigation measure, the project will have a less than significant impact.*

B.8 GREENHOUSE GAS EMISSIONS

8. GREENHOUSE GAS EMISSIONS Would the project:	Potentially significant impact	Less than significant with mitigation incorporation	Less than significant impact	No impact
a) Generate greenhouse gas emissions,			√	

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either directly or indirectly, that may have a significant impact on the environment?				
b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?			√	

An air quality and greenhouse gas analysis was prepared for the project by Environmental Science Associates. The analysis is titled Draft Wildhaven Yosemite Commercial, Industrial, & Manufacturing Site Plan (CIM) Application – Air Quality and Greenhouse Gas Technical Memorandum, and is dated July 2021. The analysis is on file at the Mariposa County Planning Department, 5100 Bullion Street, Mariposa, CA. The following summarizes the greenhouse gas section of that analysis.

B.8.a Generation of Greenhouse Gas (GHG) Emissions

A significant impact would occur if the project generated greenhouse gas emissions that may have a significant impact on the environment. The proposed project would generate GHG emissions from direct and indirect sources during construction and operation. Construction activities associated with the proposed project would take place in two phases, initially proposed to begin in October 2021 and concluding in 2023. Construction emissions of GHGs would be generated from worker trips, vendor trips, and haul trips as well as from the use of heavy duty construction equipment. The proposed project is expected to be operational in 2023 and would generate emissions of GHGs from energy use, mobile sources (i.e., employees and guests traveling to and from the site), area sources (i.e., use of consumer products and operation of fire pits), and stationary sources (i.e., testing and maintenance of an emergency diesel generator).

Construction and operational emissions associated with the proposed project were calculated using California Emissions Estimator Model (CalEEMod) 2016.3.2. Total construction emissions generated by the proposed project have been amortized over the expected operational (long-term) life of the proposed project, which is estimated to be 30 years. Overall, construction of the proposed project would result in approximately 99.23 metric tons of CO_2 equivalents (MT CO2e) and 115.14 MT CO_2e during Phase 1 and Phase 2 of construction, respectively, for a total of 214.37 MT CO_2e generated from construction activity. Annual operational emissions plus construction emissions amortized over the 30-year life of the proposed project would be approximately 464.25 MT CO_2e per year. The Mariposa County Air Pollution Control District (MCAPCD) has established thresholds of significance for GHG emissions; they are included in the County of Mariposa General Plan Environmental Impact Report. According to the MCAPCD, the proposed project would have a significant impact with respect to GHG emissions if it were to emit greater than 500 tons of CO2e per year. *GHG emissions associated with the proposed project would not exceed this threshold. Thus, the project's impact would be considered less than significant.*

B.8.b Conflict with Plans to Reduce Greenhouse Gas Emissions

A significant impact would occur if the project conflicted with any applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

Mariposa County has not adopted a Climate Action Plan or GHG Reduction Plan to address the County's contribution to climate change impacts. Although the Mariposa County General Plan includes policies related to air quality and climate change, implementation of these policies fall under the responsibility of the County, and are therefore not applicable to the proposed project. Thus, this analysis evaluates the proposed project's consistency with the state 2017 Scoping Plan Update. The primary goal of AB 32 is the requirement for statewide GHG emissions to be reduced to 1990 levels by 2020 and required the development of the first Climate Change Scoping Plan (2008) for achieving the necessary GHG reductions in a technological and economically feasible manner, the

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adoption of a mandatory GHG emissions reporting regulation, and the establishment of a market-based declining emission limit program (i.e., the cap-and-trade program). The First Update to the Scoping Plan was approved by California Air Resources Board (CARB) in May 2014 and built upon the initial Scoping Plan with new strategies and recommendations to achieve the AB 32 target. Executive Order (EO) B-30-15 established a GHG emission reduction goal for California of 40 percent below 1990 levels by 2030. This EO also directed all state agencies with jurisdiction over GHG-emitting sources to implement measures designed to achieve the new interim 2030 goal, as well as the preexisting, long-term 2050 goal identified in EO S-3-05. Additionally, EO B-30-15 directed CARB to update its Scoping Plan to address the 2030 goal, which it has done with the 2017 Scoping Plan Update. SB 32 codifies the 2030 emissions reduction goal of EO B-30-15, requiring CARB to ensure that statewide GHG emissions are reduced to 40 percent below 1990 levels by 2030.

The proposed project would be consistent with key state plans and regulatory requirements referenced in the 2017 Scoping Plan Update designed to reduce statewide emissions. According to the 2017 Scoping Plan Update, reductions needed to achieve the 2030 target are expected to be achieved by increasing the Renewables Portfolio Standard (RPS) to 50 percent of the state's electricity by 2030, greatly increasing the fuel economy of vehicles and the number of zero-emission or hybrid vehicles, reducing the rate of growth in vehicle miles traveled (VMT), and increasing the use of high efficiency appliances and water heaters. As discussed previously, the Governor has signed into law SB 350 (Chapter 547, Statues of 2015), which increased the RPS to 60 percent by 2030 and included interim targets of 40 percent by 2024 and 45 percent by 2027. With the passage of SB 100, California's RPS was further increased and requires retail sellers and local publicly-owned electric utilities to procure eligible renewable electricity for 44 percent of retail sales by the end of 2024, 52 percent by the end of 2027, and 60 percent by the end of 2030; and requires that CARB should plan for 100 percent eligible renewable energy resources and zero-carbon resources by the end of 2045, which would reduce the proposed project's electricity-related emissions.

The proposed project would support and not impede implementation of these potential reduction strategies identified by CARB, and it would benefit from statewide and utility-provider efforts towards increasing the portion of electricity provided from renewable resources. The proposed project would also benefit from statewide efforts towards increasing the fuel economy standards of vehicles and reducing the carbon content of fuels. The proposed project would utilize energy efficiency appliances and equipment, as required by Title 24. *The proposed project's post-2020 emissions trajectory is expected to follow a declining trend, consistent with the 2017 Scoping Plan Update, and the proposed project would not conflict with or obstruct implementation of the 2017 Scoping Plan Update, and the impact would be less than significant.*

Because the proposed project's construction and operation emissions of greenhouse gases would be less than levels identified as significant by the MCAPCD, and because these proposed project emissions would not impede attainment of the state's GHG reduction goals for 2030, the proposed project's incremental contribution to greenhouse gases would not be cumulatively considerable, and the impact would be less than significant.

B.9 HAZARDS AND HAZARDOUS MATERIALS

9. HAZARDS AND HAZARDOUS MATERIALS Would the project:	Potentially significant impact	Less than significant with mitigation incorporation	Less than significant impact	No impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			√	
b) Create a significant hazard to the public			√	

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or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				√
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				√
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				√
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			√	
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?			√	

B.9.a, b Transport of Hazardous Materials/Upset and Accident

A significant impact would be one that produces a substantial risk to the public from routine transportation, use, or disposal of hazardous material, or from reasonably foreseeable accidental release into the environment of such material through upset or accident. This project will not result in the handling, transport or use of hazardous materials except for those associated with normal campground development and operation. The project is not expected to store large amounts of hazardous materials. The project would not involve the use, storage, transportation or disposal of hazardous materials other than what is typically used for cleaning of project facilities, and for maintenance and landscaping. Construction activity may include temporary storage and use of potentially hazardous material such as fuel and oil. Any spills would be subject to local, state, and federal regulations, which minimize the risk associated with construction activities.

The project proponent proposes preparing a hazardous materials business plan in accordance with Mariposa County Health Unit's requirements. The plan will address the proper storage and disposal of hazardous materials, including but not limited to the storage of gasoline or diesel, lubricating products, batteries, spent propane containers, etc.

Due to these factors, *the project will have a less than significant impact on these issues.*

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B.9.c School Proximity

A significant impact would be one that emits hazardous emissions or results in the handling of hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. Although the adjacent 3.70-acre parcel is owned by the Mariposa County Unified School District and is developed with structures, it is not currently used for educational purposes. It is the headquarters of the Mariposa County Fire Department. There are no schools located within a quarter-mile of the project site. *Thus, the project will have no impact.*

B.9.d Exposure from Existing Contaminated Sites

A significant impact would be one that is located on a listed contamination site and exposes the public or the environment to the hazard. The project site is not listed on the Mariposa County Environmental Health Unit's list of hazardous sites. The hazardous material assessment contained in the Preliminary Technical Report prepared for the project by Summit Engineering, Inc. found no hazardous materials sites or facilities on or in the vicinity of the project site. *Based on these factors, there will be no impact on this issue.*

B.9.e Hazards Near Airports and Airstrips

A significant impact would be one that results in a safety hazard for people residing or working in the vicinity of a public airport or private airstrip. The project site is not within two miles of a public airport, and no private airstrips are known to exist within the area of the project site. *Thus, there will be no impact.*

B.9.f Emergency Response/Evacuation Plans

A significant impact would be one that impairs the implementation of or interferes with an emergency response or evacuation plan. The construction of a campground will not interfere with any emergency response or evacuation plan. In accordance with the Fire Hazard Mitigation Plan (FHMP) – Wildhaven Yosemite Project, prepared by Dudek, prior to commencement of operation, the project proponent will develop an Emergency Operations Plan that will address wildfire and other emergency incidents at the site. (The full FHMP is available for review at the Mariposa County Planning Department, 5100 Bullion Street (lower floor), Mariposa, CA.) The plan will be subject to the requirements of Section 2013 (Emergency Preparedness Plans) of Article 1 (Administration and Enforcement), Title 25, Division 1, Chapter 2.2 – Special Occupancy Parks, California Code of Regulations. The FHMP states that included in the Emergency Response Plan (state required Emergency Preparedness Plan) will be provisions addressing development of a site fire and emergency alert system to notify site occupants in the event of an emergency incident; a site evacuation plan, defining routes of ingress and egress, rally points, and protocols for disabled guests and/or guests without their own transport; establishment and maintenance of temporary refuge areas if evacuation is not possible; and establishment of an emergency helicopter landing site. (It would not be a permitted heliport as described in California Code of Regulations §3554 and would be maintained for use in emergencies only.)

As stated in the FHMP, the project would formally adopt, practice, and implement a "Ready, Set, Go!" (International Fire Chiefs Association 2013) approach to evacuation. The "Ready, Set, Go!" concept is widely known and encouraged by the state of California and most fire agencies. Pre-planning for emergencies, including wildfire emergencies, focuses on being prepared, having a well-defined plan, minimizing potential for errors, maintaining the project's fire protection systems, and implementing a conservative (evacuate as early as possible) approach to evacuation and project operations during periods of fire weather extremes. The project's evacuation plan also includes a provision for notifications to guests, preparation methods, and procedures for evacuations. The project will employ a Fire Safety Coordinator with defined tasks.

(Note that large-scale evacuations during wildfire or other emergencies are managed by agencies including the Office of Emergency Services, law enforcement, and fire agencies. Emergencies are often fluid events and on-scene emergency personnel provide key information and direction regarding evacuations. The project's FHMP provides limited information regarding wildfire evacuation, and actual evacuation procedures would be a case-by-

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case basis and managed and controlled by the aforementioned agencies. Directions provided by the Mariposa County Office of Emergency Services would be the basis for evacuation planning for the project site.)

The FHMP states that project site access, including road widths and connectivity, would comply with the requirements of the Mariposa County Fire Department. It further states that a secondary point of access/egress is not required by the Fire Chief, provided the main access road is 24 foot wide two lane road. The access from Highway 140 into the project site is 24 feet in width. Internal access roads and driveways will be subject to state fire safe and local standards as well as applicable special occupancy park standards contained in Section 2106 (Roadways) of Article 2 (General Park Requirements), Title 25, Division 1, Chapter 2.2 – Special Occupancy Parks, California Code of Regulations.

In addition to implementation of the project's FHMP, the project will also be subject to all fire protection standards for special occupancy parks contained in Article 6 (Fire Protection Standards for Parks), Title 25, Division 1, Chapter 2.2 – Special Occupancy Parks, California Code of Regulations. In addition, Section 2013 (Emergency Preparedness Plans) of Article 1 (Administration and Enforcement), Title 25, Division 1, Chapter 2.2 – Special Occupancy Parks, California Code of Regulations, requires that such parks prepare emergency preparedness plans.

Implementation of the project Fire Hazard Mitigation Plan and all state code relating to fire safe requirements will reduce potentially significant impacts associated with emergency situations to less than significant levels.

B.9.g Risk of Wildland Fires

A significant impact would be one that exposes people or structures to a significant risk of wildland fires. The Fire Hazard Mitigation Plan (FHMP) prepared for the project includes a fire risk assessment. This assessment concluded that based on the project site's location, climate, and fire history, it can be anticipated that periodic wildfires may start on, burn onto, or spot into the project site. On-site wildfire ignitions could occur as a result of campfires, stoves, cigarettes, arson, or equipment use. Off-site ignitions could occur along CA-140 (vehicle fire, discarded cigarette, dragging tow chain), or through adjacent lands. However, the provided maintained areas and fuel modification buffers will significantly reduce the likelihood of fire spreading off the site. Fire risk at the site will be managed through annually maintaining the recommended fuel modification around the project, ensuring the required fire department access roadways and water supply systems are fully operational, and regularly informing guests of the fire protection features and evacuation plans for the project at acceptable levels.

The FMPA contains sections on fire risk analysis, which includes a model of potential fire behavior; emergency response and service; fire safety standards, which address vegetation/forest management, roads and access, water supply (water tank and fire hoses), operations, equipment inventory and maintenance, staff training and visitor education; and, as described above, evacuation.

Wildfire prevention measures for the project as described in the FHMP would include:

- All tent fabrics would be California State Fire Marshal approved for flame resistance.
- All heating stoves on the site would be equipped with spark arrestors, which would be constructed of woven or welded wire screening of 12 USA standard gage wire (0.1046 inch) having openings not exceeding 1/2-inch. The net free area of the spark arrestor would not be less than four times the net free area of the outside of the chimney outlet.
- The ashes from the stoves would be removed by camp staff in metal containers and disposed of in a steel container. Firewood and combustible materials would not be stored in unenclosed spaces, beneath tents, or on decks under eaves, canopies or other projections or overhangs. Firewood and combustible material would be stored in fuel modification areas and separated from the crown of trees by a minimum horizontal distance of 15 feet.

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- Smoking would be restricted to designated areas with receptacles for cigarette waste. The area and a minimum 50-foot buffer would have vegetative material cleared to bare mineral soil.
- Branches and other vegetation above each fire area would be removed, and a cone of clearance to the sky would be established. Fires would not be allowed whenever Mariposa County Fire/CAL FIRE imposes restrictions on campfires.
- Fire tool lockers and fire extinguishers would be provided throughout the site, meeting the requirements of Public Resources Code (PRC) 4428 and 4429. Fire extinguishers (2A 10BC) would be located in each guest tent structure, as well as in all other facilities as required.
- Fire hose stations with fire hoses and nozzles would be provided within the site, with 200 feet of fire hose provided at each station. These stations would be located in such a manner that no tent structure would be greater than 150 feet from a fire hose station.
- Basic fire and first aid training would be provided to all employees, and it is recommended that at least one employee onsite at any given time has advanced first aid training (Emergency Medical Technician or similar) to be coordinated with the fire department.

The project will be subject to all applicable state Public Resources Code fire safe standards and to all fire protection standards for special occupancy parks contained in Article 6 (Fire Protection Standards for Parks), Title 25, Division 1, Chapter 2.2 – Special Occupancy Parks, California Code of Regulations.

With the implementation of the project's Fire Hazard Mitigation Plan and adherence to all applicable state Public Resources Code fire safe standards and fire protection standards for special occupancy parks, *the project will have a less than significant impact on the issue of wildland fires.*

B.10 HYDROLOGY & WATER QUALITY

10. HYDROLOGY AND WATER QUALITY Would the project:	Potentially significant impact	Less than significant with mitigation incorporation	Less than significant impact	No impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?			√	
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?			√	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
i) result in a substantial erosion on- or off-site;			√	
ii) substantially increase the rate or			√	

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amount of surface runoff in a manner which would result in flooding on- or off-site				
iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or			√	
iv) impede or redirect flood flows?			√	
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?				√
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?			√	

B.10.a Water Quality Standards/Waste Discharge Requirements/Water Quality

A significant impact would occur if the project violated a water quality standard or waste discharge requirements or otherwise substantially degraded surface or groundwater quality.

As noted in Section B.7.e above, the geotechnical engineering investigation of the project site found that field exploration and percolation testing indicate the onsite soil/weathered bedrock profile is not suitable for the installation of a septic system with a standard disposal field that utilizes leach lines, leaching beds, or seepage pits. However a mounded leach field or some other engineered onsite wastewater disposal system, such as an aerobic pretreatment system with a raised sand bed, may be feasible. The geotechnical investigation provides recommendations for a mound leach field system. The Mariposa County Environmental Health Unit (EHU) states that a full design of the proposed system including soil profile and percolation test results must be submitted for review and approval at the building permit phase of project implementation.

Project implementation has the potential to impact riparian features on the project site. Implementation of Mitigation Measure 4.b.1 will reduce this potentially significant to a less than significant level.

The 2019 California Code of Regulations Title 24, Parts 1-12 standards contain drainage plan requirements to ensure that any changes to existing drainages are done in such a way as to ensure that the function and capacity of the affected drainage course is maintained following construction. Soil compaction standards, provisions for sediment control during construction, and re-vegetation following construction are contained in this ordinance. The 2019 California Code of Regulations Title 24, Parts 1-12 standards will apply to site grading work done on the project site. This code contains requirements for soil compaction and sediment control during construction, and permanent re-vegetation following construction. Onsite inspections by the Building Department are conducted to ensure compliance with these requirements.

In addition, if more than one acre of land will be disturbed, the project will be subject to a National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges of Storm Water Associated with Construction Activity from the Regional Water Quality Control Board. This permitting is part of the existing regulatory environment and is addressed in the standard conditions of approval for projects in Mariposa County.

Due to these factors, the project will have a less than significant impact on water quality standards.

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B.10.b, e Changes in Groundwater Resources

A significant impact would be one that substantially depletes groundwater quantities or interferes with groundwater recharge. The following summarizes the information contained in the Preliminary Technical Report prepared for the project. The full report is available at the Mariposa County Planning Department, 5100 Bullion Street (lower floor), Mariposa, CA.

CalCamp2 LLC is pursuing enrollment as a public water system. Water from the proposed system is intended to meet the demand of resort employees and guests. The proposed water source will be a single well that has yet to be drilled. There is no existing water system infrastructure at the site that will be used for the proposed water system. In accordance with the *Preliminary Technical Report Guidance (updated December 4, 2020)* document published by the State Water Resources Control Board, all community water systems within a three-mile distance as measured by public rights-of-way, must be contacted and evaluated for water system consolidation feasibility. This process applied to only one community water system, Mariposa Public Utility District's (MPUD). MPUD responded to the project proponent through a letter dated July 7, 2021 that the project site is not within the District's water right licenses, area of use, and service area. The District stated that it does not view the connection as feasible and is unable to provide a water connection. The potential consolidation feasibility analysis was conducted in accordance with the requirements of SB 1263.

The project site is located in the lower Mariposa County basin. This basin has not been extensively analyzed for precipitation rates. Publicly available recharge information is scarce in the region so a nearby watershed with available data (from a draft report) was used to determine an appropriate recharge rate. The Cottonwood Creek watershed in Madera County was estimated to have an approximate 16.7% precipitation recharge rate. As a conservative measure, the recharge rate assumed for the project location is 12%. Using this recharge rate along with estimated annual precipitation, area of the proposed public water system, and the estimated water demand of the proposed public water system, results in an estimated recharge volume that exceeds the estimated water demand of the system during normal years and is within 0.5% of the estimated water demand during dry years. So long as a normal precipitation year occurs, there is assumed to be excess capacity that can carry over to dry years. The rough order of magnitude estimates for water demand and groundwater recharge volumes contained in the Preliminary Technical Report prepared for the project, show that the total water demand for the project (employees and guests) would be 1,960,050 gallons per year. The report states that a normal year would yield 32.95 inches of rainfall and that a dry year would yield 16.475 inches. The estimated recharge at the 36.3-acre project site in a normal rainfall year would be 3,897,000 gallons per year and 1,949,000 gallons in a dry year. This means that net recharge at the project site during a normal year would be 1,936,950 gallons per year when the project is in full operation. During a dry year, the net recharge at the project site would be -11,050 gallons per year. (The bases for these figures are shown in the technical report.)

Based upon these estimates and the Preliminary Technical Report's conclusion that a normal rainfall year will result in excess recharge volume that can carry over to dry years, impacts on groundwater from the proposed development is less than significant.

The project will not obstruct implementation of a water quality control plan or sustainable groundwater management plan. The project site is not located in an area governed by such plans.

B.10.c Drainage Patterns/Impervious Surfaces; Substantial Erosion; Flooding; Stormwater System Capacity; Polluted Runoff

A significant impact would be one that substantially alters drainage and surface flows through alteration of the course of a stream or river or through the addition of impervious surfaces in a manner that results in substantial erosion or siltation on- or off-site; substantially impacts drainage patterns causing flooding on- or off-site; contributes runoff causing the capacity of drainage systems to be exceeded or provides substantial polluted runoff;

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or redirects flood flows. The project site contains two ephemeral channels/drainage swales. The project will not alter the course of a stream or river; result in substantial erosion on- or off-site; substantially increase the rate of surface runoff, so as to result in flooding; contribute substantial runoff; result in exceedance of stormwater drainage system capacity; provide substantial additional sources of polluted runoff; or redirect flood flows. The standards of the 2019 California Code of Regulations Title 24, Parts 1-12, will apply to site grading work done for project construction. Soil compaction and sediment control during construction and permanent re-vegetation following construction is also required.

In addition, Mitigation Measure 4.b.1 as described in the Biological Resources section of this Initial Study requires the project proponent to prepare a Storm Water Pollution Prevention Plan that will include a grading and erosion control plan. The measure requires that all construction plans and activities shall implement Best Management Practices to provide erosion, runoff and sediment control.

In light of the required implementation of all grading requirements and Mitigation Measure 4.b.1, it can be found that the project will have a less than significant impact on drainages and existing drainage patterns.

The project site is not served by a constructed storm water drainage system. It will have no impact on issues related to flooding.

Caltrans commented that most of the project area is being transformed from pervious to impervious areas, and therefore requests to review the pre- and post-construction runoff calculations to provide additional comments as appropriate. This request from Caltrans will be made a condition of approval for the project and is part of the regulatory framework governing development of the project site. This information will be provided to Caltrans for review and approval prior to the issuance of construction or grading permits for the project.

B.10.d Release of Pollutants in Flood Hazard, Tsunami or Seiche Zones from Project Inundation:
A significant impact would occur if the project risked release of pollutants due to project inundation in a flood, seiche, or tsunami zone. The project site is not located in any such zone. *Thus, the project will have no impact on this issue.*

B.11 LAND USE & PLANNING

11. LAND USE AND PLANNING Would the project:	Potentially significant impact	Less than significant with mitigation incorporation	Less than significant impact	No impact
a) Physically divide an established community?				√
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?				√

B.11.a Physically Divide an Existing Community

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A significant impact would occur if the project physically divided an established community. The project site is currently used for commercial recreational purposes. The site is surrounded on three sides by a large ranch holding. The development of the project site will be consistent with the land use classification and zone in which it is located. The project will not divide an established community. *Thus, there are no impacts.*

B.11.b Conformance with General Plan Designation, Zoning and Other Environmental Policies

A significant impact would occur if the project conflicted with a land use plan, policy or regulation adopted to avoid or mitigate an environmental effect. The project will be implemented in compliance with all applicable standards of the Rural Economic/Recreation subclassification and the Resort Commercial zone and will not conflict with any measure adopted for the purpose of avoiding or mitigating an environmental effect. The site is currently used for commercial recreational purposes. *The project will have no impact on this issue.*

B.12 MINERAL RESOURCES

12. MINERAL RESOURCES Would the project:	Potentially significant impact	Less than significant with mitigation incorporation	Less than significant impact	No impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				√
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local General Plan, specific plan or other land use plan?				√

B.12.a, b Mineral Resources

A significant impact would occur if the project resulted in the loss of availability of a mineral resource of value to the region and state, or result in the loss of a locally important mineral resource shown on land use planning maps. The Mariposa County General Plan does not identify the project area as an important mineral recovery site. The site is not known to contain mineral resources valuable to the region or state. The project site is currently used for commercial recreational purposes. The project will not result in the loss of availability of a known mineral resource that would be of value to the region and residents of the state, nor result in the loss of availability of a locally-important mineral resource recovery site. *Thus, the project will have no impact.*

B.13 NOISE

13. NOISE Would the project result in:	Potentially significant impact	Less than significant with mitigation incorporation	Less than significant impact	No impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local			√	

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general plan or noise ordinance, or applicable standards of other agencies?				
b) Generation of excessive groundborne vibration or groundborne noise levels?			√	
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				√

B.13.a,b Generation of Substantial Noise That Exceeds Established Standards/Groundborne Vibration or Noise

A significant impact would occur if the project resulted in the generation of substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; or generate excessive ground-borne vibration or ground-borne noise levels. The Mariposa County General Plan states that the rural lifestyle found in Mariposa County results in a noise environment that is well below 55 dba CNEL standard. The Mariposa County Noise-Land Use Compatibility Chart, shown as Figure 12-1 in Volume III, Technical Background Reports of the Mariposa County General Plan, shows that Ldn or CNEL decibel levels of up to 60 are normally acceptable community noise exposure levels for low density single family, duplex, and mobile home residential development. Decibel levels of up to 65 are normally acceptable for multi-family residential uses. Up to 70 decibels is conditionally acceptable in both categories.

The project site is surrounded on three sides by an undeveloped large ranch holding. The nearest residence to the north is roughly 2,400 linear feet distant. A steep hill on the project and the ranch holding separates the campground area from residences to the east, which are located a minimum of one-half mile away. Noise during construction may exceed these levels but construction is expected to be of limited duration and during normal working hours and is unlikely to have a significant impact on distant residential properties. The adjacent 3.7-acre parcel is used as the headquarters for the Mariposa County Fire Department. Mariposa County does not have an adopted noise ordinance. The project will not generate excessive groundborne vibration or groundborne noise. In consideration of the nature of the proposed project and the surrounding land uses, it can be determined that the project is compatible with the area from a noise and vibration perspective. *The project will have a less than significant impact*

13.c Exposure to Airport or Airstrip Noise

A significant impact would occur if there is exposure of people residing or working in the project area to excessive noise from public airports or private airstrips. The project site is not located near an airport or airstrip. *The project will have no impact.*

B.14 POPULATION & HOUSING

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14. POPULATION AND HOUSING Would the project:	Potentially significant impact	Less than significant with mitigation incorporation	Less than significant impact	No impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				√
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				√

B.14.a Population Growth Inducement

A significant impact would result if the project induces substantial population growth in an area. The project is a commercial recreational campground. It is likely that the proposed five full time and five part-time employees will be drawn from the local population, and there are no extension of roads or infrastructure proposed that would induce population growth. *Thus, the project will have no impact on this issue.*

B.14.b Displacement of Housing/People

A significant impact would result if the project displaced substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere. This campground project has no potential to displace existing people or housing. The existing residence on the site will be used as a manager's residence. *Thus, the project will have no impact.*

B.15 PUBLIC SERVICES

15. PUBLIC SERVICES	Potentially significant impact	Less than significant with mitigation incorporation	Less than significant impact	No impact
Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
a) Fire protection?			√	
b) Police protection?			√	
c) Schools?				√

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d) Parks?			√	
e) Other public facilities?				√

A significant impact would occur if the project had a substantial adverse impact on the provision of the following public service facilities or result in a need to construct new or the physical alteration of such facilities, the construction of which could cause significant environmental impacts.

B.15.a, b. Emergency Services Improvement Impacts

A Fire Hazard Mitigation Plan has been prepared for the project. The contents of this plan are summarized in sections B.9.f and B.9.g above and Section B.20 (Wildfire) below. Existing emergency response facilities will provide adequate service to the project. Goal 9-9 of the General Plan states as its goal, *"Maintain quality emergency service delivery."* Policy 9-9a calls for defining acceptable service standards and creating a comprehensive plan to attain and maintain service delivery, and Implementation Measures 9-9a(1) and 9-9a(2) call for the preparation and implementation of an emergency services plan to implement the goal. The project will not have a negative impact on this goal, policy or these implementation measures. The project site will be served by CAL FIRE, the Mariposa County Fire Department and the Mariposa County Sheriffs Department. Although new development adds cumulatively to the demand for police and fire protection, the impact from this campground project on emergency service facilities, *is considered to be less than significant*.

B.15.c School Improvement Impacts

This campground project will have no impact on schools. It will primarily serve the needs of tourists. Most of the employees will likely be drawn from the existing labor pool. The project will be required to pay school impact fees for any applicable structures on the site through the building permit process. These fees are established to address development project impacts on schools. *There are no potential impact on schools associated with this project.*

B.15.d Park Improvement Impacts

This project is a campground that will primarily serve the needs of the touring public. The project will be implemented in a manner with all applicable local and state standards. It will enhance the tourism industry in Mariposa County and not require the construction of any additional parks or recreation facilities. Visitors to the campground may use park facilities located in the vicinity, including those at the Mariposa County Park located in the community of Mariposa. The impact on that facility would not be significant. T*he project's impact on parks facilities will be less than significant.*

B.15.e Other Public Facility Impacts / including Road Improvement Impacts

See B.17 (Transportation) section below for a discussion of project impacts on area roadways. The Draft Wildhaven Yosemite Traffic Impact Analysis found the project would have a less than significant impact.

The project will provide its own water and sewage disposal facilities *Thus, the project will have no impact on other public facilities.*

B.16 RECREATION

16. RECREATION	Potentially significant impact	Less than significant with mitigation incorporation	Less than significant impact	No impact
a) Would the project increase the use of existing neighborhood and regional			√	

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parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			√	

B.16.a Use of Existing Recreational Facilities

A significant impact would result if the project substantially increased the use of existing parks or other recreational facilities and the increase in use had the potential to cause or accelerate substantial physical deterioration of facilities. The campground project is recreational in nature. The project will attract tourists who desire a camping experience in the area. Visitors to the campground may use amenities offered at existing recreational facilities, including Mariposa County Park in the community of Mariposa. However, the impact on existing facilities will not be significant. The project will not increase use of existing parks and recreational facilities so as to result in a physical deterioration of the facilities. *The project will have a less than significant impact.*

B.16.b Construction or Expansion of New Recreational Facilities

A significant impact would result if the project included recreational facilities that might adversely affect the physical environment due to construction or expansion. The project is a commercial recreational facility that will serve visitors to the area seeking a camping experience. It will not result in the construction or expansion of other recreational facilities. *Implementation of mitigation measures as described in this study and implementation of conditions of approval for the project will ensure that project implementation will have a less than significant impact on the environment.*

B.17 TRANSPORTATION

17.TRANSPORTATION Would the project:	Potentially significant impact	Less than significant with mitigation incorporation	Less than significant impact	No impact
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?			√	
b) Conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b)?			√	
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			√	
d) Result in inadequate emergency access?			√	

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A draft traffic impact analysis was prepared for the project by Wood Rodgers. The analysis is titled Draft Wildhaven Yosemite Traffic Impact Analysis Memorandum, and is dated April 19, 2021. The analysis is on file at the Mariposa County Planning Department, 5100 Bullion Street, Mariposa, CA. The following summarizes that analysis.

B.17.a Circulation System

A significant impact would result if the project conflicted with a program, plan, ordinance or policy addressing the circulation system. The analysis assumes each occupied tent would generate approximately 2.6 daily vehicle trips and 0.45 trips during the peak hour of the site. This figure was arrived at using data from the *Trip Generation for Yosemite Under Canvas EIR Memorandum (Environmental Science Associates, October 4, 2019.)* The annual average weekday project occupancy is estimated to be 41%; annual average weekend project occupancy is estimated to be 57%; and overall annual average project occupancy is estimated to be 48%. (These figures are shown in Table 2 – *Estimated Project Occupancy* in the draft traffic impact memorandum.

Project trip generation for the "Worst-Case" Saturday summer peak full-occupancy is presented in the traffic impact analysis. This condition is analyzed to determine if the project adds 50 or more peak hour trips to a state highway facility under worst-case conditions. The *Caltrans Guide for the Preparation of Traffic Impact Studies (Caltrans TIS Guidelines, December 2002)* indicates that if 50 peak hour trips or more are added to a state highway facility, a traffic impact study may be required. The analysis concludes, based on figures shown in Table 3 of the analysis, that the project is estimated to generate 30 new trips during the peak hour under "worst-case" Saturday summer peak full-occupancy conditions. The project is estimated to generate 90 daily trips on an annualized average basis, with an annual average of 15 site peak hour trips (4 inbound and 11 outbound), based on figures shown in Table 4 of the analysis.

Project trips are estimated to observe the following distribution:

- 70% to/from SR 140 east of the project access roadway. This direction leads to the town/CDP (Census Designated Place) of Mariposa and the entrance to Yosemite National Park.
- 30% to/from SR 140 west of the project access roadway. This direction leads to the City of Merced and State Route 99.

As noted above, the *Caltrans TIS Guidelines* state that if 50 peak hour trips or more are added to a state highway facility, a traffic impact study may be required. As the project is estimated to generate fewer than 50 peak hour trips under "worst-case" Saturday summer peak full-occupancy conditions, the project is subject to the following criteria outlined in the *Caltrans TIS Guidelines*:

- If one (1) to 49 peak hour trips are added to a state highway facility, a full traffic impact study may be required if any of the following conditions are met with the addition of project trips:

    a. Affected state highway facilities experience significant delay; unstable or forced traffic flow conditions (Level of Service [LOS] "E" or "F").
    b. The potential risk for a traffic incident is significantly increased (i.e., congestion related collisions, non-standard sight distance considerations, increase in traffic conflict points, etc.).
    c. Change in local circulation networks that impact a state highway facility (i.e., direct access to state highway facility, a non-standard highway geometric design, etc.).

SR 140 does not currently operate at LOS E or F conditions in the vicinity of the project and is not anticipated to operate at LOS E or F with addition of project trips. Additionally, as the project trips would utilize the existing project access roadway, the project would not create additional risk for a traffic incident or change the local circulation network in a way that would impact a state highway facility. Therefore, preparation of a full traffic impact study, including analysis of LOS, is not required.

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If the campground project retains the zipline amenity, it will only be available for use by guests of the campground, so there will not be an increase in traffic due to the zipline beyond that discussed in the Traffic Impact Analysis Memorandum.

The project will have a less than significant impact on the area's circulation system and State Highway 140.

B.17.b Conflict With CEQA Guidelines §15064.3, Subdivision (b)

A significant impact would result if the project conflicted with this CEQA Guideline section. This section provides criteria for analyzing transportation impacts of projects. Section 15064.3 of the CEQA Guidelines provides specific considerations for evaluating a project's transportation impacts. Per Section 15064.3, analysis of vehicle miles traveled (VMT) attributable to a project is the most appropriate measure of transportation impacts. Other relevant considerations may include the effects of the project on transit and non-motorized travel. Except as provided in Section 15064.3(b)(2) regarding roadway capacity, a project's effect on automobile delay does not constitute a significant environmental impact under CEQA. The issue of the project's impact on the area's circulation system in analyzed in B.17.a above.

Vehicles Miles Traveled (VMT)

Statewide implementation of VMT as a metric of transportation impact occurred for all jurisdictions on July 1, 2020. The Governor's Office of Planning and Research (OPR) *Technical Advisory on Evaluating Transportation Impacts in CEQA* (OPR Technical Advisory, December 2018), contains technical recommendations regarding assessment of VMT, thresholds of significance, and mitigation measures. As Mariposa County has not currently adopted guidelines for the analysis of VMT due to new development, VMT analysis for the proposed project has been performed in accordance with guidance from the OPR Technical Advisory.

The OPR Technical Advisory states that "Absent substantial evidence indicating that a project would generate a potentially significant level of VMT, or inconsistency with a Sustainable Communities Strategy or general plan, projects that generate or attract fewer than 110 trips per day generally may be assumed to cause a less-than-significant transportation impact." As stated in B.17.a above, the project is estimated to generate fewer than 110 daily trips (estimated 90 project trips) on an annualized average basis, and as such, VMT impact due to the project is assumed to be *less than significant.*

Trip generation was considered under annual average conditions for the project VMT analysis as it provides the best estimate of project traffic on a long-term basis (i.e. not a temporary or seasonal condition.).

B.17.c Increase Hazards due to Geometric Design Features

A significant impact would result if the project resulted in sharp curves or dangerous intersections or incompatible uses. The traffic impact analysis analyzed the existing SR 140/Project Access Road intersection, which will be utilized as the main access point to the project from SR 140, to determine if adequate sight distance currently exists at the intersection. Any existing sight distances below minimum distances specified by the Caltrans *Highway Design Manual, 7th Edition* (HDM) have been identified and possible improvements have been recommended.

Minimum Corner Sight Distance (CSD) at the SR 140/Project Access Roadway intersection was calculated based on equations and variables outlined in Section 405.1 of the Caltrans HDM. The traffic impact analysis states that the minimum required sight distance for a left turn from the project access roadway onto SR 140 is 765 feet. As shown in Table 5 of the analysis, actual CSD at the SR 140/Project Access Roadway intersection is greater than minimum CSD when looking to the west of the intersection (i.e., viewing eastbound approaching traffic.

CSD for traffic approaching from the westbound direction on SR 140 was not analyzed, as there is no direct conflict between vehicles making left-turn egress movements from the project access roadway and vehicles traveling

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westbound on SR 140 due to the presence of an existing westbound acceleration lane at the intersection. Similarly, CSD for a "right-turn from stop" case was not analyzed as there is no direct conflict between vehicles making right-turn egress movements from the project access roadway and vehicles traveling eastbound on SR 140 due to the presence of an existing eastbound acceleration lane at the intersection.

Stopping sight distance (SSD) was also analyzed. SSD is the distance required by the user, traveling at a given speed, to bring the vehicle to a stop after an object ½-foot high on the road becomes visible. Minimum SSD for the eastbound direction of SR 140 in the vicinity of the SR 140/Project Access Roadway intersection was calculated based on data contained in Sections 201.2 and 201.3 of the Caltrans HDM. Table 6 in the traffic impact analysis shows that minimum required sight distance for eastbound approaching vehicles on SR 140 and westbound vehicles turning left into the project access roadway is a minimum of 660 feet. This table also shows that the actual SSD at the SR 140/Project Access Roadway intersection exceeds the minimum SSD for all cases analyzed.

In its initial review of the project, Caltrans asked that a design review simulation for the existing project driveway off of Highway 140 be submitted for their review. The reason for Caltrans' request is to ensure the facility entrance will be able to accommodate the expected design vehicle, including recreational vehicles and vehicle/trailer combination for simultaneous entering/exiting.

In response to Caltrans' comment, the project proponent responded in an email to Mariposa Planning that the project will not offer RV sites for rent, and does not expect to have RVs or travel trailers utilizing the driveway. The proponent added that the expected vehicle type utilizing the driveway will be the same as the previous commercial operation on the site. Expected vehicles accessing the site will be cars, vans, and small trucks.

It should be noted that the project may employ RVs for employees providing state and local regulations allow such a use. The use of RVs in this fashion would be on a stationary basis and their movement would have a less than significant impact on the driveway.

Based on the conclusions of the traffic impact analysis and the nature of the expected vehicle types utilizing the driveway entrance off of Highway 140, *the project will have a less than significant impact on the issue of traffic hazards.*

B.17.d Emergency Access

A significant impact would result if the project resulted in inadequate emergency access. The issue of emergency response and emergency evacuation is addressed in section B.9.f above. This section concludes that the construction of a campground will not interfere with any emergency response or evacuation plan. In accordance with the Fire Hazard Mitigation Plan (FHMP) – Wildhaven Yosemite Project, prepared by Dudek, prior to commencement of operation, the project proponent will develop an Emergency Operations Plan that will address wildfire and other emergency incidents at the site. (The full FHMP is available for review at the Mariposa County Planning Department, 5100 Bullion Street [lower floor], Mariposa, CA.) The plan will be subject to review and approval by applicable emergency services providers. Included in the Emergency Response Plan will be provisions addressing development of a site fire and emergency alert system to notify site occupants in the event of an emergency incident; a site evacuation plan defining routes of ingress and egress, rally points, and protocols for disabled guests and/or guests without their own transport; establishment and maintenance of temporary refuge areas if evacuation is not possible; and establishment of an emergency helicopter landing site. (It would not be a permitted heliport as described in California Code of Regulations §3554 and would be maintained for use in emergencies only.)

The FHMP states that project site access, including road widths and connectivity, would comply with the requirements of the Mariposa County Fire Department. It further states that a secondary point of access/egress is not required by the Fire Chief, provided the main access road is a 24 foot wide two lane road. The access from Highway 140 into the project site is 24 feet in width. Internal access roads and driveways will be subject to state

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fire safe and local standards as well as applicable special occupancy park standards contained in Section 2106 (Roadways) of Article 2 (General Park Requirements), Title 25, Division 1, Chapter 2.2 – Special Occupancy Parks, California Code of Regulations.

In addition to implementation of the project's FHMP, the project will also be subject to all fire protection standards for special occupancy parks contained in Article 6 (Fire Protection Standards for Parks), Title 25, Division 1, Chapter 2.2 – Special Occupancy Parks, California Code of Regulations. *Due to these factors, the project will have a less than significant impact on emergency access.*

B.18 TRIBAL CULTURAL RESOURCES

18. TRIBAL CULTURAL RESOURCES Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:	Potentially significant impact	Less than significant with mitigation incorporation	Less than significant impact	No impact
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or			√	
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.			√	

B.18.a, b Tribal Cultural Resources

A significant impact would occur if the project had a significant impact on tribal cultural resources, which are defined in the table above. The issue of the project's impact on historical or archaeological resources is addressed in Section B.5 (Cultural Resources) above. The following text summarizes that section. The County provided notification to the Southern Sierra Miwuk, aka American Indian Council of Mariposa County of the submittal of the project and provided the opportunity to provide comment. No comment or request for consultation was received.

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A cultural resources survey of the project site was conducted by Environmental Science Associates (ESA) on March 22, 2021. All areas of proposed ground disturbance were walked to provide an overall assessment of existing conditions. Visibility was good, though there were trees and other foliage through the surveyed area. Overall, there was 80 percent visibility of the surveyed area.

In addition, as part of the cultural resources survey of the site, ESA contacted the Native American Heritage Commission (NAHC) on March 5, 2021 to request a search of the NAHC's Sacred Lands File (SLF) and a list of Native American representatives who may have an interest in the project. The NAHC's reply indicated that the SLF has no record of any cultural resources in the project vicinity.

The cultural resources survey of the project site revealed no cultural resources or other evidence of past human use or occupation, besides the modern features located on the project site. There is the potential for such resources to be discovered during project development. Human remains could also be discovered. Mitigation Measure 5.c.1 addresses the issue of discovery of cultural resources or human remains as the project is developed. *Implementation of this measure will reduce potentially significant impacts on tribal resources during project construction to a less than significant level.*

B.19 UTILITIES & SERVICE SYSTEMS

19. UTILITIES AND SERVICE SYSTEMS Would the project:	Potentially significant impact	Less than significant with mitigation incorporation	Less than significant impact	No impact
a) Require or result in the relocation of construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?			√	
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?			√	
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				√
d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?			√	
e) Comply with federal, state, and local			√	

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management and reduction statutes and regulations related to solid waste?				

B.19.a Water, Wastewater Treatment; Stormwater Drainage; Electric Power, Natural Gas, Telecommunications Facilities

A significant impact would result if the project required or resulted in the relocation or construction of the facilities listed above that would cause significant environmental effects. The project will use on-site water and sewage disposal systems. It will not connect to any off-site system. The issue of sewage disposal is discussed in detail in sections B.7.e and B.10.a of this study. The issue of water provision is discussed in section B.10.b, e. Sierra Telephone provided comment that they have no objection to the proposed project. Construction of the on-site water and wastewater systems will meet all applicable standards and will not result in significant environmental effects. No stormwater facility is expected to be constructed or relocated to implement the project. The project may be required to address runoff from the project site into state facilities along Highway 140. Construction that may be necessary to adequately address such runoff will be subject to all applicable standards including those designed to reduce potentially significant environmental effects to less than significant levels. *The project will have a less than significant impact on this issue.*

B.19.b Water Supply

A significant impact would result if water supplies were insufficient to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years. The project proposes to use a single well for the provision of water to the campground. The issue of project impacts on groundwater resources is discussed in detail section B.10.b, e of this study. The conclusion of that section, based upon the Preliminary Technical Report prepared for the project, is that *the project would have a less significant impact on groundwater resources.*

B.19.c Wastewater Treatment Capacity

A significant impact would occur if the project resulted in an impact on wastewater treatment system capacity. The campground project will use an on-site septic disposal system that will serve the project only. It will not be served by an existing wastewater treatment system. *Thus, the project will have no impact.*

B.19.d, e Solid Waste

A significant impact would occur if a project generated solid waste in excess of state or local standards or in excess of the capacity of local infrastructure; otherwise impaired the attainment of solid waste reduction goals; or did not comply with reduction statutes related to solid waste. The campground will generate solid waste. However, waste generated is not expected to significantly impact the capacity of the county's landfill, nor impair the attainment of solid waste reduction goals. The project will be subject to all applicable regulations and standards relating to solid waste, including those contained in Section 2120 (Rubbish and Accumulation of Waste Material) of Article 2 (General Park Requirements), Title 25, Division 1, Chapter 2.2, Special Occupancy Parks, California Code of Regulations. The project proponent has informed the Mariposa County Environmental Health Unit that it proposes placing large trash and recycling dumpsters on the project site. A smaller trash and recycling shed will be placed in each tent cluster. Maintenance/housekeeping personnel will transfer the contents of the smaller bins to the dumpsters one to three time per day, depending on occupancy. The dumpsters will be emptied by the current vendor at the project site one to two times per week, depending on occupancy. *Due to these factors, the project will have a less than significant impact.*

B.20 WILDFIRE

Attachment: Initial Study (RES-2022-29 : Commercial-Industrial-Manufacturing (CIM) Plan No. 2021-124; Wildhaven Yosemite)

20. WILDFIRE If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially significant impact	Less than significant with mitigation incorporation	Less than significant impact	No impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?			√	
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?			√	
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?			√	
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?			√	

The project site is located within the State Responsibility Area but is not in the Very High Fire Hazard Severity Zone. It is in the High Fire Hazard Severity Zone.

B.20.a Emergency Response/Evacuation Plans

A significant impact would occur if the project substantially impaired an adopted emergency response plan or emergency evacuation plan. The project is not located in the Very High Fire Hazard Severity Zone. The Mariposa County Community Wildfire Protection Plan (CWPP) functions as the County's principal document to prepare for wildfires to minimize negative impacts and increase desired ecological outcomes. The plan is intended to serve as the County's primary reference for strategic wildfire planning and guide future wildfire prevention and mitigation activities. The issue of evacuation in the event of a fire is addressed in this document. In addition, Mariposa County also has an adopted Local Hazard Mitigation Plan that includes mitigation for wildland fires. This issue is addressed in detail in section B.9.f of this study. The project will not substantially impair an adopted emergency response plan or emergency evacuation plan. *The project's potential impact on this issue is less than significant.*

B.20.b Pollutant Concentrations/Exposure to Wildfire

A significant impact would occur if the project exposed project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. The project is not located in the Very High Fire Hazard Severity Zone. The Fire Hazard Mitigation Plan (FHMP) prepared for the project includes a detailed section on fire behavior modeling for three on-site vegetation, slope and wind speed scenarios and on how treatment efforts would potentially reduce fire flame length and intensity. The treatments in each area resulted in a reduction in flame length and intensity.

Attachment: Initial Study (RES-2022-29 : Commercial-Industrial-Manufacturing (CIM) Plan No. 2021-124; Wildhaven Yosemite)

The FHMP concluded that based on the project site's location, climate, and fire history, it can be anticipated that periodic wildfires may start on, burn onto, or spot into the project site. On-site wildfire ignitions could occur as a result of campfires, stoves, cigarettes, arson, or equipment use. Off-site ignitions could occur along CA-140 (vehicle fire, discarded cigarette, dragging tow chain), or through adjacent lands. However, the provided maintained areas and fuel modification buffers will significantly reduce the likelihood of fire spreading off the site. Fire risk at the site will be managed through annually maintaining the recommended fuel modification around the project, ensuring the required fire department access roadways and water supply systems are fully operational, and regularly informing guests of the fire protection features and evacuation plans.

The FHMP includes detailed standards for on-site vegetation/forest management, including for developed area vegetation management, roadside and footpath vegetation management, and routine maintenance. The FHMP also contains standards for tent fabrics, heating stoves, disposal of ashes, smoking areas, etc.

In addition to implementation of the project's FHMP, the project will also be subject to all fire protection standards for special occupancy parks contained in Article 6 (Fire Protection Standards for Parks), Title 25, Division 1, Chapter 2.2 – Special Occupancy Parks, California Code of Regulations.

Implementation of the project's Fire Hazard Management Plan, applicable fire safe standards contained in the state Public Resources Code, and applicable fire standards for special occupancy parks will reduce potentially significant impacts associated with exposure of people to pollutant concentrations or uncontrolled spread of wildfire to a less than significant level.

B.20.c Infrastructure

A significant impact would occur if the project required installation or maintenance of infrastructure that would exacerbate fire risk or result in impacts to the environment. The project is not located in the Very High Fire Hazard Severity Zone. As noted above, the FHMP prepared for the project concluded that on-site wildfire ignitions could occur as a result of campfires, stoves, cigarettes, arson, or equipment use. It further concludes that the provided maintained areas and fuel modification buffers will significantly reduce the likelihood of fire spreading off the site. Fire risk at the site will be managed through annually maintaining the recommended fuel modification around the project, ensuring the required fire department access roadways and water supply systems are fully operational, and regularly informing guests of the fire protection features and evacuation plans. The campground project will be operated to reduce wildfire potential to the maximum extent feasible. The project would provide propane campfire pits for each of the premium tents in Phase 2, with no solid fuel (wood) fire pits to be installed on the project site. A single communal propane fire pit will be installed in the communal fire pit between the bathhouse and office. This unit may be converted to wood fuel during the winter season.

The FHMP states that large metal rings would be installed to contain burning material around the fire pits, with a mesh screen installed to encompass and cover the fire as a spark arrestor. The lighting, maintenance, and extinguishing of these campfires would be managed by camp staff. A 30-foot Fuel Modification Area is recommended for the communal fire pits, measured horizontally from the outermost edge of the fire pit enclosure in all directions. Tree branches and other vegetation above each fire pit area are to be removed and maintained to establish clearance to the sky.

Potential impacts from the installation of infrastructure on the environment are addressed in the various sections of this study.

Implementation of the project's Fire Hazard Management Plan, applicable fire safe standards contained in the state Public Resources Code, and applicable fire standards for special occupancy parks will reduce potentially significant impacts associated with infrastructure installation and maintenance to a less than significant level.

Attachment: Initial Study (RES-2022-29 : Commercial-Industrial-Manufacturing (CIM) Plan No. 2021-124; Wildhaven Yosemite)

B.20.d Exposure of People/Structures to Risks

A significant impact would occur if the project exposed people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. The project site is not located in the Very High Fire Hazard Severity Zone. The geotechnical engineering investigation prepared for the project states that landslides are not hazards in the area. Flooding is also not a potential hazard on this project site. It is not expected that drainages would be impacted by project development. Mitigation Measure 4.b.1 is proposed to protect drainages on the site. The majority of new structures on the site will be tent cabins. A restroom/bathhouse facility will be constructed.

There may be some runoff, post-fire slope instability and drainage changes on the project site following a fire. This is not an uncommon occurrence in the Sierra foothills. However, there is no information in the record that suggests people or structures on the project site would face significant risks from landslides or flooding as a result of runoff, post fire slope instability or drainage changes. T*he project will have a less than significant impact.*

Attachment: Initial Study (RES-2022-29 : Commercial-Industrial-Manufacturing (CIM) Plan No. 2021-124; Wildhaven Yosemite)

Section C
MANDATORY FINDINGS OF SIGNIFICANCE

Finding:	Potentially Significant Impact	Less Than Significant With Mitigation	Less than Significant Impact	No Impact
1. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?		√		
2. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?			√	
3. Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?			√	

***Impact Discussion & Conclusions*:**

1. The project has the potential to significantly impact biological resources, i.e. ephemeral drainages/riparian features; special status bat species; special status plant species and nesting raptors and migratory birds. Mitigation measures are proposed to reduce these potentially significant impacts to less than significant levels. The project has the potential to impact cultural resources that may be uncovered during project construction. A mitigation measure is proposed to reduce this potentially significant impact to a less than significant level.

2. The project will result in increased air emissions, groundwater use, noise, traffic, and demand for public services. The project also has the potential to increase fire danger. However, these impacts are not considered to be significant, are individually limited, and not cumulatively considerable. The project's potential impacts on on-site biological resources can be reduced to less than significant levels with the implementation of proposed mitigation measures. Off-site resources are also protected through these measures. Therefore, the potential cumulative impact on biological resources from project implementation is considered to be less than significant. The project will not have a cumulatively considerable impact.

3. The project does not have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly.

Based upon the environmental review conducted within this Initial Study, and the anticipated level of impact as a result of the project, a mitigated negative declaration will be adopted for the project.

Attachment: Initial Study (RES-2022-29 : Commercial-Industrial-Manufacturing (CIM) Plan No. 2021-124; Wildhaven Yosemite)

Section D
MITIGATION MONITORING

BIOLOGICAL RESOURCES

Mitigation Measure 4.a.1:

Pre-construction field surveys for special status bat species during the breeding season (April 1st to August 31st) shall be conducted by a qualified biologist to determine whether active roosts are present on site, or within 100 feet of the project boundaries. Areas off the project site that are inaccessible due to private property restrictions shall be surveyed using binoculars from the nearest vantage point. Field surveys shall be conducted early in the breeding season before any construction activities begin, when bats are establishing maternity roosts but before pregnant females give birth (April through early May). Surveys shall be conducted no more than seven days prior to the onset of construction. If no roosting bats are found, then no further mitigation is required. If suitable habitat and/or bat signs are detected, a biologist shall conduct evening visual emergence surveys from one-half hour prior to sunset to one to two hours after sunset for a minimum of two nights. If roosting bats are found, the disturbance of the maternity roosts shall be avoided by halting construction until the end of the breeding season, or a qualified bat biologist excludes the roosting bats in consultation with the California Department of Fish and Wildlife. If construction activities begin prior to April 1, no pre-construction surveys are required. If at any time during the roosting season construction stops for a period of two weeks or longer, pre-construction surveys shall be conducted prior to construction resuming. The Planning Department shall be provided a copy of the results of any survey conducted and evidence that any required mitigation measures have been implemented prior to initiation of construction or grading activities.

Monitoring for Mitigation Measure 4.a.1:

This mitigation measure will be monitored by the Mariposa County Planning Department through the project construction permitting process.

Mitigation Measure 4.a.2:

Pre-construction field surveys for special status plant species identified as having a medium to high potential to occur within the habitats identified on the project site shall be conducted by a qualified biologist prior to commencement of construction activities. Surveys shall be conducted following the Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (California Department of Fish and Wildlife, 2018). Surveys are to be conducted in April and June of the year construction is to commence. As an example, if construction is to commence in August of a particular year, surveys conducted in April and June of that year will satisfy the pre-construction survey requirement. Surveys from prior years may be used in a prescribed circumstance. For example, if construction is to commence in May of a particular year, surveys from April of that year and June of the prior year will satisfy the pre-construction survey requirement. If such species are found, the project proponent shall prepare and implement a Transplantation and Monitoring Plan. The Plan shall be subject to review and approval by the California Department of Fish and Wildlife prior to commencement of any construction activities within the special-status plant species area. The Plan shall describe the intent and anticipated success of transplanting, and specific success criteria for transplanted plants and related long-term protection and management of transplanted plants. The Planning Department shall be provided a copy of the results of any pre-construction surveys conducted on the project site and any approved Transplanting and Monitoring Plan and evidence that any required mitigation measures contained in the Plan have been implemented prior to initiation of construction or grading activities.

Attachment: Initial Study (RES-2022-29 : Commercial-Industrial-Manufacturing (CIM) Plan No. 2021-124; Wildhaven Yosemite)

Monitoring for Mitigation Measure 4.a.2:
This mitigation measure will be monitored by the Mariposa County Planning Department through the project construction permitting process.

Mitigation Measure 4.b.1:
The project proponent shall prepare and implement a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP shall be prepared in accordance with State Water Resources Control Board standards and shall include a grading and erosion control plan required for all construction plans to address potential erosion control during construction. All construction plans and activities shall implement Best Management Practices (BMP) to provide effective erosion, runoff, and sediment control. BMPs may include, but not be limited to, the use of straw waddles protecting down slope water features from construction activities, the use of silt fencing, or placement of construction exclusion fencing around stream or wetland resources in the vicinity of an activity. BMPs shall be selected to achieve maximum sediment removal and to represent the best available technology that is economically achievable.

If the project design changes and direct impacts to aquatic resources are anticipated, prior to the commencement of construction or grading activities in aquatic resources (such as ephemeral channels) within areas proposed for development, the project proponent shall acquire all applicable state and federal wetland and waters permits.

The Planning Department shall be provided a copy of all permit applications and evidence of approval of permits by applicable agencies, and evidence that any required measures approved by applicable agencies to protect water features have been implemented prior to initiation of construction or grading activities.

Monitoring for Mitigation Measure 4.b.1:
This mitigation measure will be monitored by the Mariposa County Planning Department through the project construction process.

Mitigation Measure 4.d.1:
Pre-construction surveys by a qualified biologist for active nests in suitable nesting habitat for raptors and migratory birds within 500 feet of the construction area during the nesting season (February 1 to September 15) shall be conducted. Areas off the project site that are inaccessible due to private property restrictions shall be surveyed using binoculars from the nearest vantage point. The survey shall be conducted no more than seven days prior to the onset of construction. If no active nests are identified during the pre-construction survey, no further mitigation is necessary. If construction activities begin prior to February 1, it is assumed that no birds would nest in the project site during active construction activities and no pre-construction surveys are required. If at any time during the nesting season construction stops for a period of two weeks or longer, pre-construction surveys shall be conducted prior to construction resuming. If active nests are found during the survey, the project proponent shall implement mitigation measures to ensure that the species would not be adversely affected, which would include establishing a no-work buffer zone as, approved by the California Department of Fish and Wildlife, around the active nest. Measures shall include, but would not be limited to:

1. *For trees with active nests, the project proponent shall conduct any tree removal activities required for project construction outside of the migratory bird breeding season (February 1 through September 15).*

Attachment: Initial Study (RES-2022-29 : Commercial-Industrial-Manufacturing (CIM) Plan No. 2021-124; Wildhaven Yosemite)

2. *If active nests are found on or within 500 feet of the project site, then the project proponent shall establish no disturbance buffers for active nests of 250 feet for migratory bird species and 500 feet for raptor species until the breeding season has ended, or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. Depending on the conditions specific to each nest, and the relative location and rate of construction activities, it may be feasible for construction to occur as planned within the buffer without impacting the breeding effort. Nests that are inaccessible due to private property restrictions shall be monitored using binoculars from the nearest vantage point. Construction activities may be halted at any time if, in the professional opinion of the biologist, construction activities are affecting the breeding effort.*
3. *Depending on conditions specific to each nest, and the relative location and rate of construction activities, it may be feasible for construction to occur as planned within the buffer without impacting the breeding effort. In this case (to be determined on a case-by-case basis), the nest(s) shall be monitored by a qualified biologist during construction within the buffer. If, in the professional opinion of the monitor the project would impact the nest, the biologist shall immediately inform the construction manager and the project proponent shall notify the California Department of Fish and Wildlife. The construction manager shall stop construction activities within the buffer until the nest is no longer active. Completion of the nesting cycle shall be determined by a qualified biologist. If construction begins outside of the migratory bird breeding season (February 1 through September 15), then the project proponent is permitted to continue construction activities throughout the breeding season.*

The Planning Department shall be provided a copy of the results of any survey conducted and evidence that any required mitigation measures have been implemented prior to initiation of construction or grading activities.

Monitoring for Mitigation Measure 4.d.1:
This mitigation measure will be monitored by the Mariposa County Planning Department through the project construction permitting process.

CULTURAL RESOURCES

Mitigation Measure 5.c.1:
In the event human remains, artifacts, or potentially significant cultural resources are discovered during ground disturbance on the project site, a Native American monitor shall be on-site for the duration of ground disturbance. During road grading, soil testing and/or construction, or any activity that involves ground disturbance necessary to implement the project, if any signs of prehistoric, historic, archaeological, paleontological resources are evident, all work activity within fifty (50) feet of the find shall stop and the Mariposa County Planning Department shall be notified immediately. No work shall be done within fifty (50) feet of the find until Planning has identified appropriate measures to protect the find and those measures have been implemented by the applicant. Protection measures for the site may include, but not be limited to, requiring the applicant to hire a qualified archaeologist who shall conduct necessary inspections and research, and who may supervise all further ground disturbance activities and make any such recommendations as necessary to ensure compliance with applicable regulations. In addition to the Planning Department, the Mariposa County Coroner and the Native American Heritage Commission (NAHC) shall be notified should human remains be discovered. If the remains are determined by the Native American Heritage Commission to be Native American, the NAHC guidelines shall be adhered to in treatment and disposition of the remains. Representatives of the Most Likely Descendant shall be requested to be on-site during disturbance and/or removal of human remains.

Attachment: Initial Study (RES-2022-29 : Commercial-Industrial-Manufacturing (CIM) Plan No. 2021-124; Wildhaven Yosemite)

Monitoring for Mitigation Measure 5.c.1: The applicant or his on-site designee shall be responsible for ensuring compliance with this mitigation and the Mariposa County Planning Department will monitor the measure through the project construction permitting process.

Attachment: Initial Study (RES-2022-29 : Commercial-Industrial-Manufacturing (CIM) Plan No. 2021-124; Wildhaven Yosemite)

MARIPOSA PLANNING

COUNTY OF MARIPOSA

5100 BULLION STREET • POST OFFICE BOX 2039

MARIPOSA, CALIFORNIA 95338–2039

PHONE 209 . 966 . 5151 • FAX 209 . 742 . 5024

APPLICANT'S AGREEMENT TO MITIGATION

Project title: Commercial-Industrial-Manufacturing (CIM) Plan No. 2021-124, Wildhaven Yosemite

Project Applicant: CalCamp2 LLC, dba Wildhaven Yosemite
996 Grove Street
Healdsburg, CA 95448

The project applicant, CalCamp2 LLC, dba Wildhaven Yosemite, agrees to the following mitigation measures as required by Section 15070(b)(1) of the CEQA Guidelines and project plans will be modified to avoid potential adverse physical effects of the project as identified in this study:

BIOLOGICAL RESOURCES

Mitigation Measure 4.a.1:

Pre-construction field surveys for special status bat species during the breeding season (April 1st to August 31st) shall be conducted by a qualified biologist to determine whether active roosts are present on site, or within 100 feet of the project boundaries. Areas off the project site that are inaccessible due to private property restrictions shall be surveyed using binoculars from the nearest vantage point. Field surveys shall be conducted early in the breeding season before any construction activities begin, when bats are establishing maternity roosts but before pregnant females give birth (April through early May). Surveys shall be conducted no more than seven days prior to the onset of construction. If no roosting bats are found, then no further mitigation is required. If suitable habitat and/or bat signs are detected, a biologist shall conduct evening visual emergence surveys from one-half hour prior to sunset to one to two hours after sunset for a minimum of two nights. If roosting bats are found, the disturbance of the maternity roosts shall be avoided by halting construction until the end of the breeding season, or a qualified bat biologist excludes the roosting bats in consultation with the California Department of Fish and Wildlife. If construction activities begin prior to April 1, no pre-construction surveys are required. If at any time during the roosting season construction stops for a period of two weeks or longer, pre-construction surveys shall be conducted prior to construction resuming. The Planning Department shall be provided a copy of the results of any survey conducted and evidence that any required mitigation measures have been implemented prior to initiation of construction or grading activities.

Monitoring for Mitigation Measure 4.a.1:

This mitigation measure will be monitored by the Mariposa County Planning Department through the project construction permitting process.

Mitigation Measure 4.a.2:

Attachment: Initial Study (RES-2022-29 : Commercial-Industrial-Manufacturing (CIM) Plan No. 2021-124; Wildhaven Yosemite)

Pre-construction field surveys for special status plant species identified as having a medium to high potential to occur within the habitats identified on the project site shall be conducted by a qualified biologist prior to commencement of construction activities. Surveys shall be conducted following the Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (California Department of Fish and Wildlife, 2018). Surveys are to be conducted in April and June of the year construction is to commence. As an example, if construction is to commence in August of a particular year, surveys conducted in April and June of that year will satisfy the pre-construction survey requirement. Surveys from prior years may be used in a prescribed circumstance. For example, if construction is to commence in May of a particular year, surveys from April of that year and June of the prior year will satisfy the pre-construction survey requirement. If such species are found, the project proponent shall prepare and implement a Transplantation and Monitoring Plan. The Plan shall be subject to review and approval by the California Department of Fish and Wildlife prior to commencement of any construction activities within the special-status plant species area. The Plan shall describe the intent and anticipated success of transplanting, and specific success criteria for transplanted plants and related long-term protection and management of transplanted plants. The Planning Department shall be provided a copy of the results of any pre-construction surveys conducted on the project site and any approved Transplanting and Monitoring Plan and evidence that any required mitigation measures contained in the Plan have been implemented prior to initiation of construction or grading activities.

Monitoring for Mitigation Measure 4.a.2:
This mitigation measure will be monitored by the Mariposa County Planning Department through the project construction permitting process.

Mitigation Measure 4.b.1:
The project proponent shall prepare and implement a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP shall be prepared in accordance with State Water Resources Control Board standards and shall include a grading and erosion control plan required for all construction plans to address potential erosion control during construction. All construction plans and activities shall implement Best Management Practices (BMP) to provide effective erosion, runoff, and sediment control. BMPs may include, but not be limited to, the use of straw waddles protecting down slope water features from construction activities, the use of silt fencing, or placement of construction exclusion fencing around stream or wetland resources in the vicinity of an activity. BMPs shall be selected to achieve maximum sediment removal and to represent the best available technology that is economically achievable.

If the project design changes and direct impacts to aquatic resources are anticipated, prior to the commencement of construction or grading activities in aquatic resources (such as ephemeral channels) within areas proposed for development, the project proponent shall acquire all applicable state and federal wetland and waters permits.

The Planning Department shall be provided a copy of all permit applications and evidence of approval of permits by applicable agencies, and evidence that any required measures approved by applicable agencies to protect water features have been implemented prior to initiation of construction or grading activities.

Monitoring for Mitigation Measure 4.b.1:
This mitigation measure will be monitored by the Mariposa County Surveyor and the Mariposa County Planning Department through the project construction process.

Attachment: Initial Study (RES-2022-29 : Commercial-Industrial-Manufacturing (CIM) Plan No. 2021-124; Wildhaven Yosemite)

Mitigation Measure 4.d.1:

Pre-construction surveys by a qualified biologist for active nests in suitable nesting habitat for raptors and migratory birds within 500 feet of the construction area during the nesting season (February 1 to September 15) shall be conducted. Areas off the project site that are inaccessible due to private property restrictions shall be surveyed using binoculars from the nearest vantage point. The survey shall be conducted no more than seven days prior to the onset of construction. If no active nests are identified during the pre-construction survey, no further mitigation is necessary. If construction activities begin prior to February 1, it is assumed that no birds would nest in the project site during active construction activities and no pre-construction surveys are required. If at any time during the nesting season construction stops for a period of two weeks or longer, pre-construction surveys shall be conducted prior to construction resuming. If active nests are found during the survey, the project proponent shall implement mitigation measures to ensure that the species would not be adversely affected, which would include establishing a no-work buffer zone as, approved by the California Department of Fish and Wildlife, around the active nest. Measures shall include, but would not be limited to:

1. *For trees with active nests, the project proponent shall conduct any tree removal activities required for project construction outside of the migratory bird breeding season (February 1 through September 15).*
2. *If active nests are found on or within 500 feet of the project site, then the project proponent shall establish no disturbance buffers for active nests of 250 feet for migratory bird species and 500 feet for raptor species until the breeding season has ended, or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. Depending on the conditions specific to each nest, and the relative location and rate of construction activities, it may be feasible for construction to occur as planned within the buffer without impacting the breeding effort. Nests that are inaccessible due to private property restrictions shall be monitored using binoculars from the nearest vantage point. Construction activities may be halted at any time if, in the professional opinion of the biologist, construction activities are affecting the breeding effort.*
3. *Depending on conditions specific to each nest, and the relative location and rate of construction activities, it may be feasible for construction to occur as planned within the buffer without impacting the breeding effort. In this case (to be determined on a case-by-case basis), the nest(s) shall be monitored by a qualified biologist during construction within the buffer. If, in the professional opinion of the monitor the project would impact the nest, the biologist shall immediately inform the construction manager and the project proponent shall notify the California Department of Fish and Wildlife. The construction manager shall stop construction activities within the buffer until the nest is no longer active. Completion of the nesting cycle shall be determined by a qualified biologist. If construction begins outside of the migratory bird breeding season (February 1 through September 15), then the project proponent is permitted to continue construction activities throughout the breeding season.*

The Planning Department shall be provided a copy of the results of any survey conducted and evidence that any required mitigation measures have been implemented prior to initiation of construction or grading activities.

Monitoring for Mitigation Measure 4.d.1:

Attachment: Initial Study (RES-2022-29 : Commercial-Industrial-Manufacturing (CIM) Plan No. 2021-124; Wildhaven Yosemite)

This mitigation measure will be monitored by the Mariposa County Planning Department through the project construction permitting process.

CULTURAL RESOURCES

Mitigation Measure 5.c.1:
In the event human remains, artifacts, or potentially significant cultural resources are discovered during ground disturbance on the project site, a Native American monitor shall be on-site for the duration of ground disturbance. During road grading, soil testing and/or construction, or any activity that involves ground disturbance necessary to implement the project, if any signs of prehistoric, historic, archaeological, paleontological resources are evident, all work activity within fifty (50) feet of the find shall stop and the Mariposa County Planning Department shall be notified immediately. No work shall be done within fifty (50) feet of the find until Planning has identified appropriate measures to protect the find and those measures have been implemented by the applicant. Protection measures for the site may include, but not be limited to, requiring the applicant to hire a qualified archaeologist who shall conduct necessary inspections and research, and who may supervise all further ground disturbance activities and make any such recommendations as necessary to ensure compliance with applicable regulations. In addition to the Planning Department, the Mariposa County Coroner and the Native American Heritage Commission (NAHC) shall be notified should human remains be discovered. If the remains are determined by the Native American Heritage Commission to be Native American, the NAHC guidelines shall be adhered to in treatment and disposition of the remains. Representatives of the Most Likely Descendant shall be requested to be on-site during disturbance and/or removal of human remains.

Monitoring for Mitigation Measure 5.c.1: The applicant or his on-site designee shall be responsible for ensuring compliance with this mitigation and the Mariposa County Planning Department will monitor the measure through the project construction permitting process.

By: Brian Lawrence Date: 11/3/21
Brian Lawrence, Managing Member
CalCamp2 LLC, dba Wildhaven Yosemite

Attachment: Initial Study (RES-2022-29 : Commercial-Industrial-Manufacturing (CIM) Plan No. 2021-124; Wildhaven Yosemite)

MARIPOSA COUNTY
(Draft) MITIGATED NEGATIVE DECLARATION

(Pursuant to California Administrative Code, Section 15070)

APPLICATION/APPLICANT: ***Commercial-Industrial-Manufacturing Plan No. 2021-124***
CalCamp2 LLC, dba Wildhaven Yosemite

PROJECT DESCRIPTION: The Wildhaven Yosemite project is proposed to be developed on the current location of the 36-acre Yosemite Ziplines and Adventure Ranch property. The project proposes to construct 80 canvas tents in two (2) phases. The project applicant would develop accessory facilities associated with a campground, including platform tents, a bathhouse, parking spaces, on-site water and sewer facilities, and other support facilities.

Project phasing is proposed as follows:

Phase I

- Construction of approximately 40 basic wood tent platforms, ranging in size from 10' x 20' to 12' x 24'.
- Pitch and furnish 40 canvas tents on top of tent platforms, which at full occupancy would hold 100 guests (assuming 2.5 average guests per tent).
- Build an approximately 10' x 10' reception/check-in kiosk.
- Design and build the communal bathhouse, supporting both Phase I and Phase II. The estimated size of the facility is 20' x 60' with rustic post and beam construction housing men's and women's bathrooms and approximately 10 shower stalls and eight toilets in each. The facility will be served by a new well (specific for a public water system) to be drilled on site and the property's existing electrical infrastructure.
- Construction of a septic system to support the bathhouse.
- Install an automatic gate with emergency controls for fire service access.
- Install non-permanent propane fire pits at the premium tents to reduce fire risk; the one common area non-permanent fire pit may switch to wood fuel in the winter months and would be managed by Wildhaven staff.

Phase II

- Build and furnish another approximately 40 tents using the same Phase I specifications. Completion of this construction would bring total tent capacity up to 80, which would serve 200 guests at full occupancy (assuming 2.5 average guests per tent).
- Provide a portable bathroom trailer.

The site plan also shows the installation of a 50,000-gallon storage tank for firefighting and back-up domestic supply. The existing horse barn will be removed as part of site development.

The project proponent may incorporate the existing zipline amenity into the campground project. The zipline would be for the sole use of overnight campers. The existing ropes course will be removed.

Hours of operation:
The campground would be operated daily on a year-round basis. Hours of operation would be 24 hours a day with check-in between 3:00 p.m. – 7:00 p.m.

Attachment: Draft MND (RES-2022-29 : Commercial-Industrial-Manufacturing (CIM) Plan No. 2021-124; Wildhaven Yosemite)

Number of employees:
The campground will have a total of ten (10) employees; five (5) full time and five (5) part time. One (1) general manager would live in the existing on-site house. Three (3) maintenance staff may live in RVs on the site if allowed by code. The remaining six (6) employees would be front desk and housekeepers.

Number of anticipated customers:
Fifty (50) to up to two hundred (200) maximum daily.

Parking:
There are currently forty (40) parking spaces on site to serve the Yosemite Zipline and Adventure Ranch project. Forty-two (42) spaces will be added to bring total on-site parking spaces to eighty-two (82).

Access:
Primary access will be from an existing driveway connected to State Highway 140. The internal roadway to access the site will be a two-lane 24-foot-wide graveled road. The site plan shows that roadways accessing the project's tent areas will be one-way and graveled; where grades exceed 16%, the access driveways will be asphalted. Internal access roads and driveways will be subject to state fire safe and local standards as well as applicable special occupancy park standards contained in Section 2106 (Roadways) of Article 2 (General Park Requirements), Title 25, Division 1, Chapter 2.2 – Special Occupancy Parks, California Code of Regulations.

Walking trails to access cabins from parking areas have been incorporated into project design.

The project site is located at 4808 Highway 140, Mariposa, Ca and is known as APN 012-180-056. It is in projected Section 26, Township 5 South, Range 18 East, M.D.B.&M, Rancho Las Mariposas. It is within the USGS 7.5-minute Mariposa topographic quadrangle at 37°28'15"N/119°57'40"W. The project site is located just south of the community of Mariposa.

No significant effect is based on the following findings:

1. The project has the potential to significantly impact biological resources, i.e. ephemeral drainages/riparian features; special status bat species; special status plant species and nesting raptors and migratory birds. Mitigation measures are proposed to reduce these potentially significant impacts to less than significant levels. The project has the potential to impact cultural resources that may be uncovered during project construction. A mitigation measure is proposed to reduce this potentially significant impact to a less than significant level.

2. The project will result in increased air emissions, groundwater use, noise, traffic, and demand for public services. The project also has the potential to increase fire danger. However, these impacts are not considered to be significant, are individually limited, and not cumulatively considerable. The project's potential impacts on on-site biological resources can be reduced to less than significant levels with the implementation of proposed mitigation measures. Off-site resources are also protected through these measures. Therefore, the potential cumulative impact on biological resources from project implementation is considered to be less than significant. The project will not have a cumulatively considerable impact.

3. The project does not have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly.

Attachment: Draft MND (RES-2022-29 : Commercial-Industrial-Manufacturing (CIM) Plan No. 2021-124; Wildhaven Yosemite)

Based upon the environmental review conducted within this Initial Study, and the anticipated level of impact as a result of the project, a mitigated negative declaration will be adopted for the project.

No significant effect is based on review procedures of the following County Departments or Divisions:

☐	Building Division	☒	County Health Department
☒	Planning Commission	☒	Public Works Department

Other: Mariposa County Unified School District, CAL FIRE, Sierra Telephone, Mariposa County Fire Department, Mariposa County Assessor, California Department of Fish and Wildlife, Southern Sierra Miwok Nation, Mariposa County Agricultural Commissioner, Mariposa County Resource Conservation District, Sheriff's Department, John C. Fremont Hospital, and Pacific Gas & Electric.

No significant effect is based on this initial study and the additional conditions and mitigation measures included as Attachment A.

The Initial Study was prepared by Alvaro Arias, Deputy Director, on file at Mariposa County Planning Department, 5100 Bullion Street, Mariposa, California 95338

_____ _____

Sarah Williams, Director Date
Mariposa Planning

Attachment: Draft MND (RES-2022-29 : Commercial-Industrial-Manufacturing (CIM) Plan No. 2021-124; Wildhaven Yosemite)

Attachment A

CONDITIONS & MITIGATION MEASURES

Insert as approved by the Board of Supervisors

Attachment: Draft MND (RES-2022-29 : Commercial-Industrial-Manufacturing (CIM) Plan No. 2021-124; Wildhaven Yosemite)

COMMERCIAL, INDUSTRIAL & MANUFACTURING SITE PLAN SUBMISSION

WILDHAVEN YOSEMITE

MARIPOSA COUNTY

PROJECT INFORMATION

APPLICANT: WILDHAVEN YOSEMITE
996 GROVE STREET
HEALDSBURG, CA 95448
CONTACT: BRIAN LAWRENCE

SITE: APN 012-180-056 (36-ACRE)
4808 STATE HIGHWAY 140
MARIPOSA, CA 95338

SITE OWNER: BRYAN IMRIE & VICTORIA IMRIE

PROJECT DESCRIPTION: CALCAMP2, LLC DBA WILDHAVEN YOSEMITE IS COMPLETING THIS COMMERCIAL, INDUSTRIAL, AND MANUFACTURING (CIM) SITE PLAN APPLICATION ON BEHALF OF THE WILDHAVEN YOSEMITE PROJECT. THE PROJECT IS PROPOSED TO BE DEVELOPED ON THE CURRENT LOCATION OF THE 36-ACRE YOSEMITE ZIPLINES AND ADVENTURE RANCH PROPERTY AT 4808 CA-140, MARIPOSA, CA 95338. THE PROPOSED GLAMPING OPERATION IS PROPOSED IN THE RESORT COMMERCIAL (CR) ZONING, WHICH ALLOWS FOR MOTELS, HOTELS, LODGES, RVs AND CAMPGROUNDS. THE PROJECT IS PROPOSING TO CONSTRUCT 80-TENTS IN TWO PHASES AS DESCRIBED IN THE ACCOMPANYING CIM APPLICATION. THE PROPOSED PROJECT WOULD DEVELOP FACILITIES ASSOCIATED WITH A GLAMPING DESTINATION INCLUDING: PLATFORM TENTS, A BATHHOUSE, PARKING SPACES, ON-SITE WATER AND SEWER, AND OTHER SUPPORT FACILITIES AS SHOWN ON THE SITE PLAN AND CORRESPONDING SITE PLAN SHEETS. THE PROJECT WOULD INCLUDE THE DEVELOPMENT OF THE PROPOSED FACILITIES DURING 2 PHASES OVER THE NEXT 2-3 YEARS, WITH CONSTRUCTION REQUIREMENTS BEING MINIMAL AND LOW IMPACT IN BOTH PHASES.

SHEET INDEX

C-0.0 COVER SHEET
C-1.0 EXISTING CONDITIONS PLAN
C-2.0 SITE LAYOUT PLAN
C-3.0 CIRCULATION PLAN
C-4.0 GRADING AND DRAINAGE PLAN
C-5.0 SITE UTILITY PLAN

ABBREVIATIONS

AC	ACRE
C.Y.	CUBIC YARDS
(E)	EXISTING
OWTS	ONSITE WASTEWATER TREATMENT SYSTEM
ROW	RIGHT-OF-WAY
SD	STORM DRAIN
SF	SQUARE FEET

PROJECT TEAM

CIVIL ENGINEER:
LOTUS WATER
660 MISSION STREET, 2ND FLOOR
SAN FRANCISCO, CA 94105
(415) 800-6805
CONTACT: SHAUNA DUNTON, P.E.

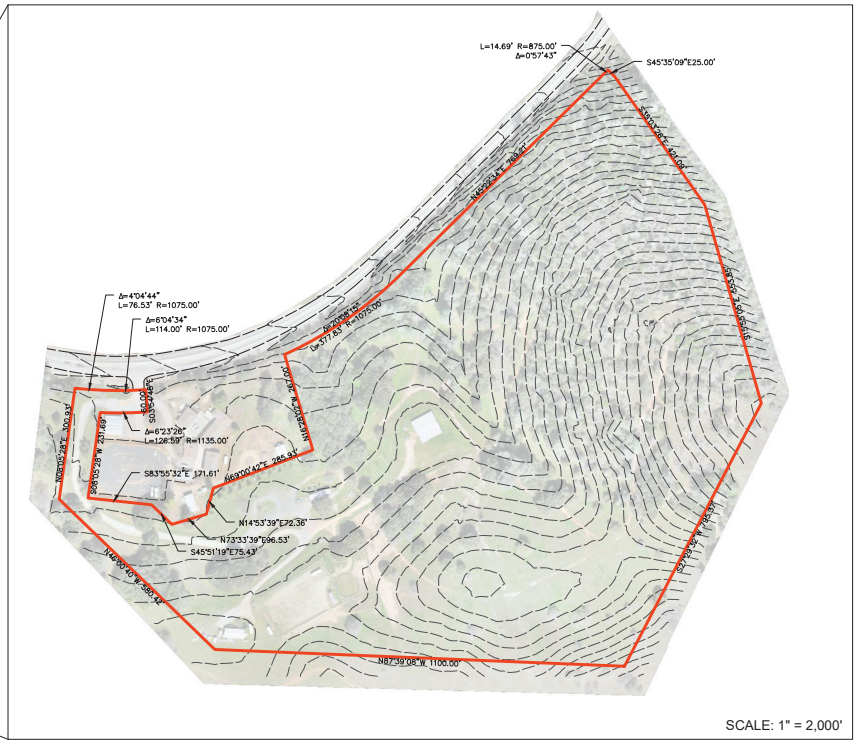
GEOTECHNICAL ENGINEER:
KRAZAN & ASSOCIATES, INC.
215 WEST DAKOTA AVENUE
CLOVIS, CA 93612
(559) 348-2200
CONTACT: GEORGE HATTRUP, G.E.

PLANNER:
ENVIRONMENTAL SCIENCE ASSOCIATES (ESA
550 KEARNY STREET, SUITE 800
SAN FRANCISCO, CA 94108
(415) 896-5900
CONTACT: MARY LAUX

SURVEYOR:
JONES SNYDER & ASSOCIATES
P.O. BOX 2292
OAKHURST, CA 93644
(559) 683-7661
CONTACT: NICHOLAS VANLANDINGHAM, L.S.



VICINITY MAP
SCALE: 1" = 10,000'



SCALE: 1" = 2,000'

Attachment: Site Plans (RES-2022-29 : Commercial-Industrial-Manufacturing (CIM) Plan No. 2021-124;

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4808 CA-140
MARIPOSA, CA 95338

SCALE: ---
NOTE: IF THIS DRAWING IS NOT 22"X34", IT HAS BEEN REVISED FROM ITS ORIGINAL SIZE. SCALE IS NO LONGER APPLICABLE.

REVISIONS

NO	DATE	ISSUE
1	06.25.21	CIM SUBMISSION

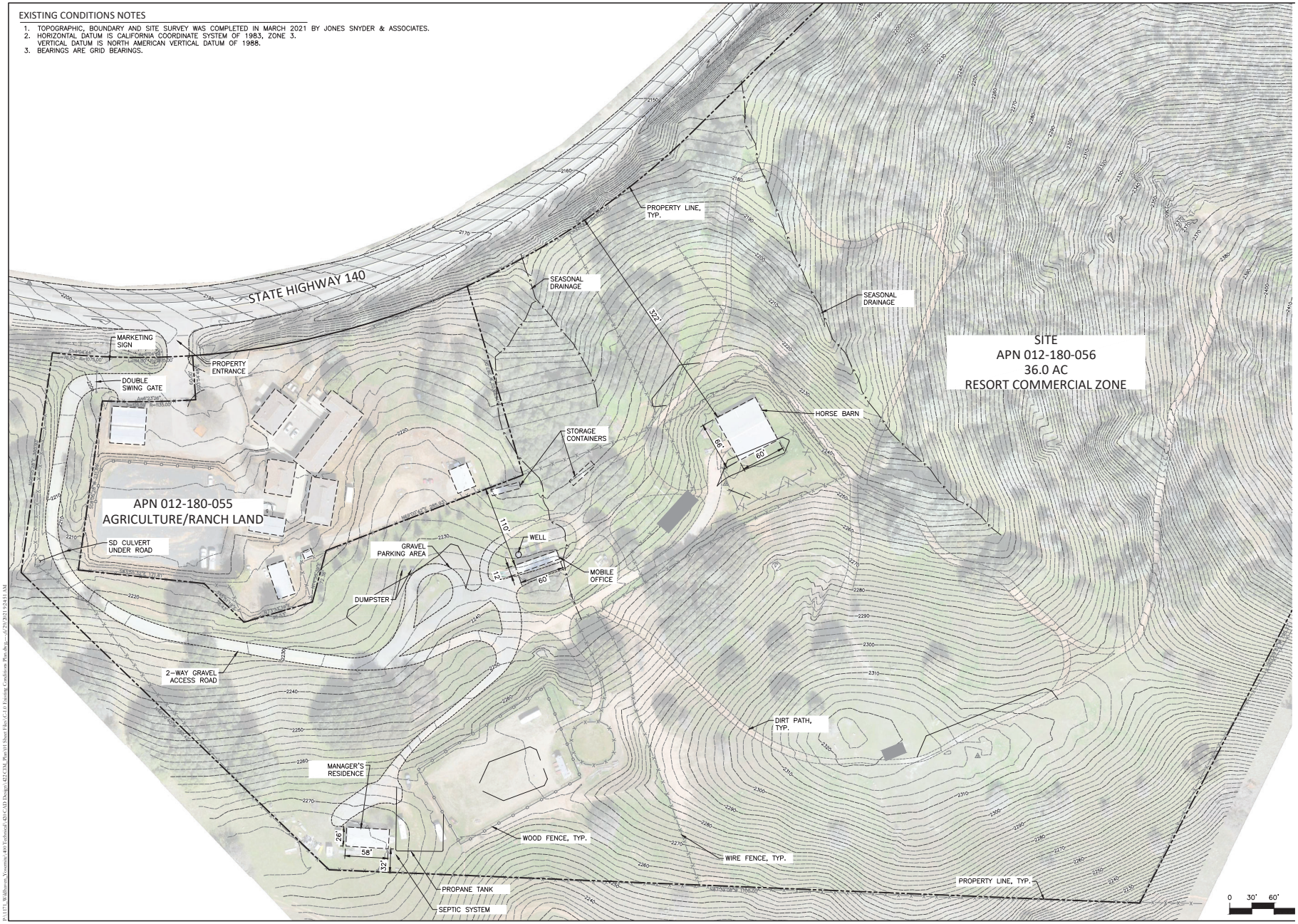
DRAWING TITLE: COVER SHEET

PROJECT #: 1171
DATE: 6/23/2021
DRAWN BY: ST
CHECKED BY: BW
DRAWING NO: C-0.0

Attachment: Site Plans (RES-2022-29 : Commercial-Industrial-Manufacturing (CIM) Plan No. 2021-124;

EXISTING CONDITIONS NOTES

1. TOPOGRAPHIC, BOUNDARY AND SITE SURVEY WAS COMPLETED IN MARCH 2021 BY JONES SNYDER & ASSOCIATES.
2. HORIZONTAL DATUM IS CALIFORNIA COORDINATE SYSTEM OF 1983, ZONE 3.
   VERTICAL DATUM IS NORTH AMERICAN VERTICAL DATUM OF 1988.
3. BEARINGS ARE GRID BEARINGS.



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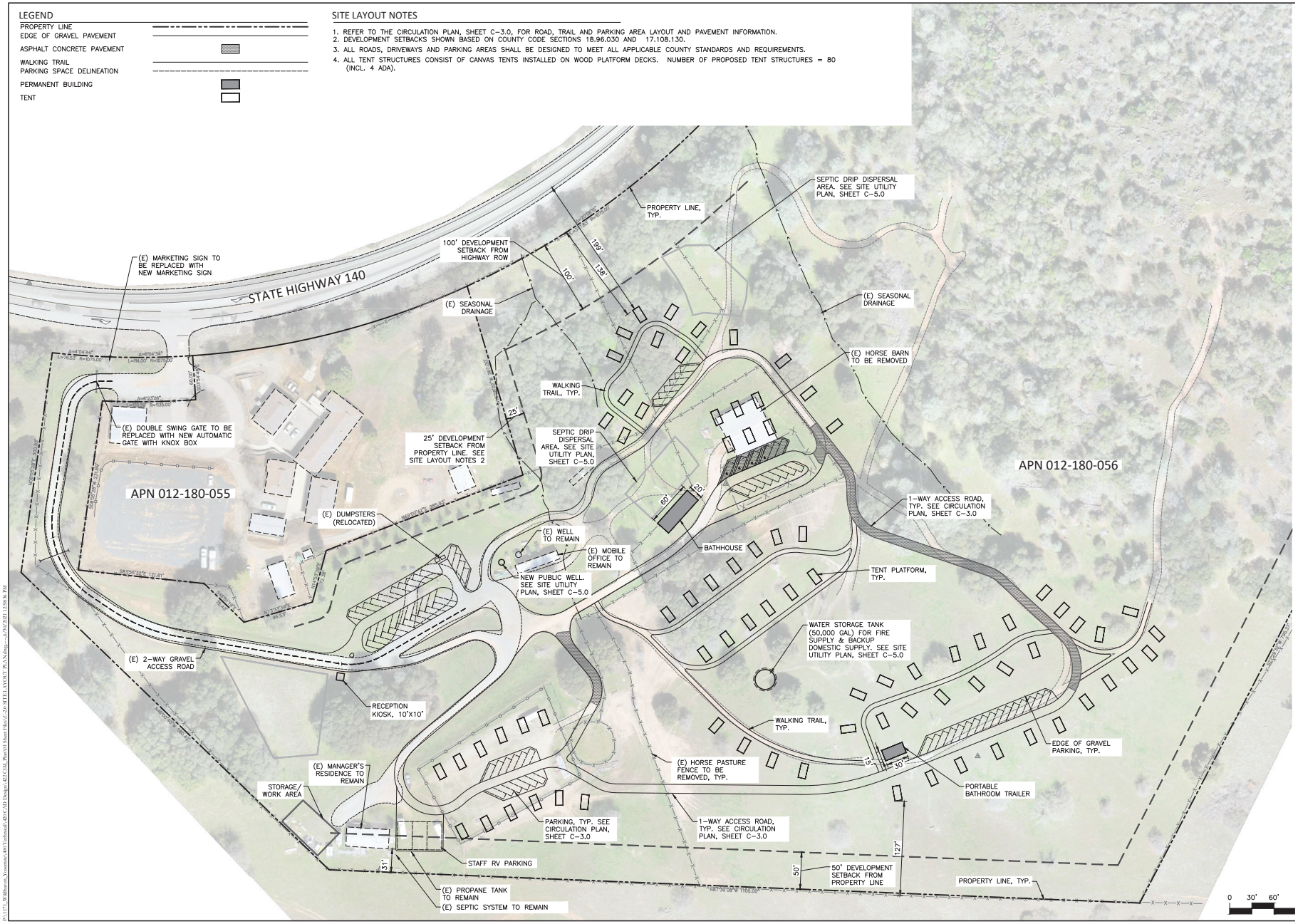
REVISIONS

NO	DATE	ISSUE
1	06.25.21	CIM SUBMISSION

DRAWING TITLE: EXISTING CONDITIONS PLAN

PROJECT #: 1171
DATE: 6/23/2021
DRAWN BY: ST
CHECKED BY: BW
DRAWING NO: C-1.0

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Attachment: Site Plans (RES-2022-29 : Commercial-Industrial-Manufacturing (CIM) Plan No. 2021-124;

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REVISIONS

NO	DATE	ISSUE
1	06.25.21	CIM SUBMISSION

DRAWING TITLE: SITE LAYOUT PLAN

PROJECT #: 1171
DATE: 6/23/2021
DRAWN BY: ST
CHECKED BY: BW
DRAWING NO: C-2.0

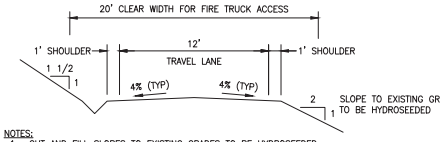
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LEGEND

- TRAFFIC DIRECTION (FIRE TRUCK ACCESSIBLE)
- TRAFFIC DIRECTION (FIRE TRUCK INACCESSIBLE)
- EDGE OF GRAVEL PAVEMENT
- ASPHALT CONCRETE PAVEMENT
- WALKING TRAIL
- PARKING SPACE DELINEATION

CIRCULATION NOTES

1. NUMBER OF PROPOSED TENTS = 80 (INCL. 4 ADA)
2. NUMBER OF EXISTING PARKING SPACES = 40 SPACES TO BE REPLACED AT MAIN PARKING LOT AND 3 SPACES TO REMAIN AT MANAGER'S HOUSE.
3. NUMBER OF PROPOSED PARKING SPACES = 82 (INCL. 4 ADA)
4. ALL FIRE ACCESS ROADS SHALL COMPLY WITH ALL APPLICABLE SECTIONS OF THE CALIFORNIA TITLE 14 FIRE SAFE REGULATIONS.
5. RADIUS OF FIRE ACCESS ROAD CENTERLINE TO BE 50' MIN UNLESS NOTED OTHERWISE ON PLAN.
6. ALL ROADS TO BE GRAVEL SURFACE, EXCEPT WHERE GRADES EXCEED 16% IN WHICH CASE THEY SHALL BE ASPHALT (AS INDICATED ON PLAN).
7. ALL PARKING AREAS SHALL BE GRAVEL SURFACE, EXCEPT WHERE ADA PARKING SPOTS ARE PRESENT (AS INDICATED ON PLAN).
8. ALL PROPOSED PARKING SPACES ARE STANDARD 45–DEGREE PARKING STALL DIMENSIONS, PER MARIPOSA COUNTY CODE CHAPTER 17.336 SUPPLEMENTARY DEVELOPMENT STANDARDS.
   - CURB LENGTH PER STALL – 11'6"
   - STALL DEPTH – 19'–0"
9. ALL PARKING SPACES SHALL INCLUDE WHEEL STOP MADE FROM RAILROAD TIE OR SIMILAR MATERIAL. CHALK PAINT OR GRAVEL PARKING MARKERS SHALL BE USED TO DELINEATE PARKING SPACES WITHIN GRAVEL PAVED AREAS. ALL ACCESSIBLE PARKING SPACES AND ADJACENT LOADING ZONES SHALL BE PAVED WITH ASPHALT CONCRETE AND STRIPED AND SIGNED IN ACCORDANCE WITH ALL STATE AND LOCAL ACCESSIBLE REQUIREMENTS.
10. ALL WALKING PATHS SHALL BE CONSTRUCTED TO MINIMIZE EARTHWORK, HAVE LONGITUDINAL SLOPES BETWEEN 2% AND 10% AND CROSS–SLOPES OF APPROXIMATELY 4% TOWARDS THE DOWNGRADIENT SIDE OF THE PATH TO MAINTAIN POSITIVE DRAINAGE. WALKING PATHS SHALL BE PAVED WITH A 4–INCH THICK GRAVEL LAYER.

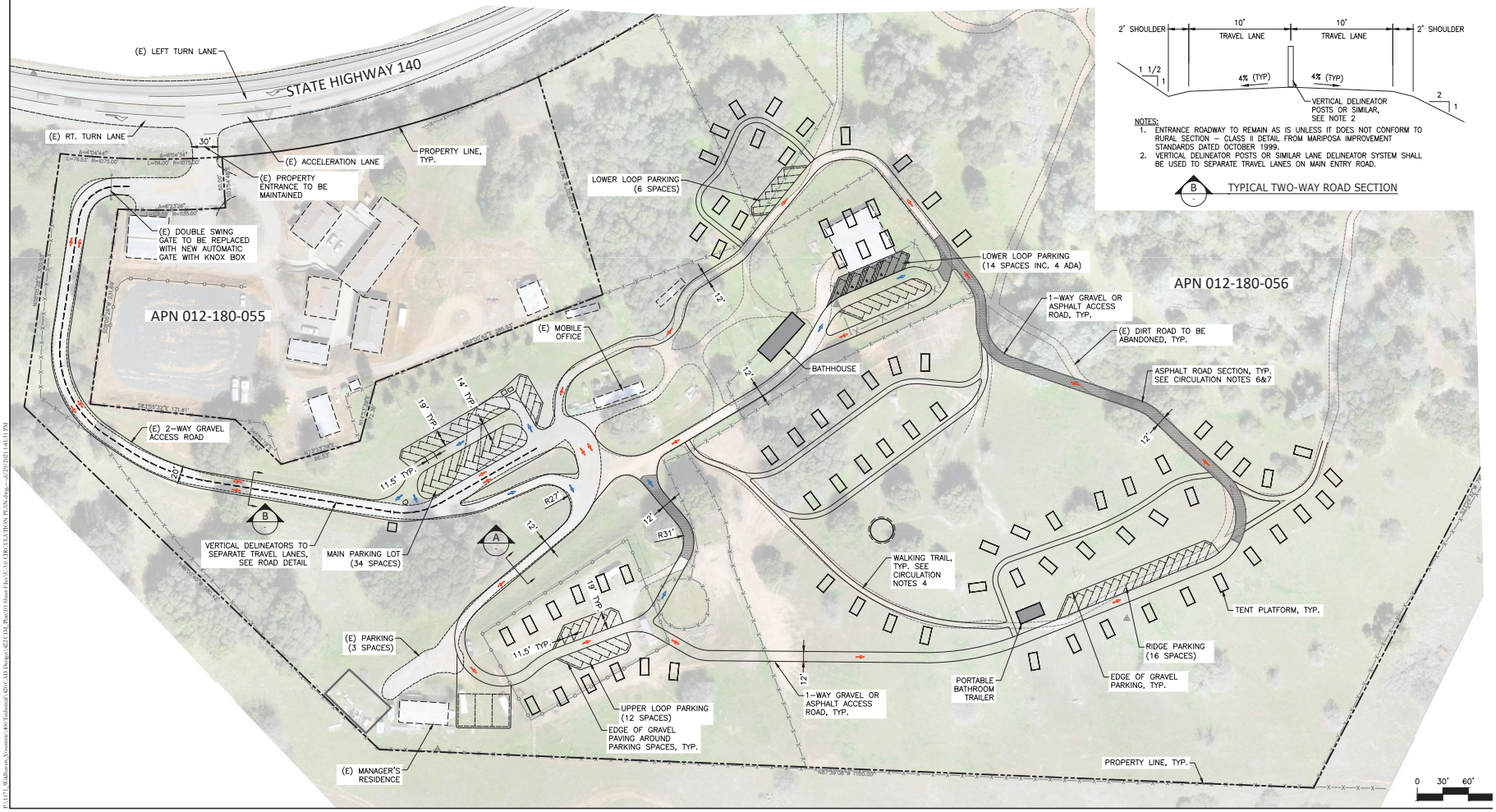


NOTES:
1. CUT AND FILL SLOPES TO EXISTING GRADES TO BE HYDROSEEDED.
2. ALL FIRE ACCESS ROADS WITH GRADES BETWEEN 16% AND 20% SHALL HAVE A ROAD SECTION CONSISTING OF 2–3" ASPHALT CONCRETE OVER 5" COMPACTED CALTRANS CLASS 2 AGGREGATE BASE PER MARIPOSA FIRE SAFE STANDARDS. ALL OTHER ACCESS ROADS SHALL HAVE A SECTION CONSISTING OF 4" COMPACTED CALTRANS CLASS 2 AGGREGATE BASE. PER "GEOTECHNICAL ENGINEERING INVESTIGATION" REPORT BY KRAZAN & ASSOCIATES INC. DATED MAY 21, 2021, ROAD SUBGRADE SHALL BE COMPACTED TO 95% RELATIVE COMPACTION.

A TYPICAL ONE-WAY ROAD SECTION

NOTES:
1. ENTRANCE ROADWAY TO REMAIN AS IS UNLESS IT DOES NOT CONFORM TO RURAL SECTION – CLASS II DETAIL FROM MARIPOSA IMPROVEMENT STANDARDS DATED OCTOBER 1999.
2. VERTICAL DELINEATOR POSTS OR SIMILAR LANE DELINEATOR SYSTEM SHALL BE USED TO SEPARATE TRAVEL LANES ON MAIN ENTRY ROAD.

B TYPICAL TWO-WAY ROAD SECTION



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SCALE: 1"=60'
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REVISIONS

NO	DATE	ISSUE
1	06.25.21	CIM SUBMISSION

DRAWING TITLE: CIRCULATION PLAN

PROJECT #: 1171
DATE: 6/23/2021
DRAWN BY: ST
CHECKED BY: BW
DRAWING NO: C-3.0

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Attachment: Site Plans (RES-2022-29 : Commercial-Industrial-Manufacturing (CIM) Plan No. 2021-124;

LEGEND

- LIMIT OF GRADING
- PROPOSED MINOR CONTOURS
- EXISTING MINOR CONTOURS
- PROPOSED MAJOR CONTOURS (2300)
- EXISTING MAJOR CONTOURS
- STORM DRAIN LINES (SD — SD)
- DISPERSION TRENCH
- DRAINAGE SWALES
- STORM DRAIN INLET
- STORM DRAIN OUTLET
- CULVERT

GRADING NOTES

1. TENTS TO BE BUILT ON PLATFORMS THAT DO NOT REQUIRE LEVEL PADS.
2. APPROX. AREA OF DISTURBANCE = 129,800 SF

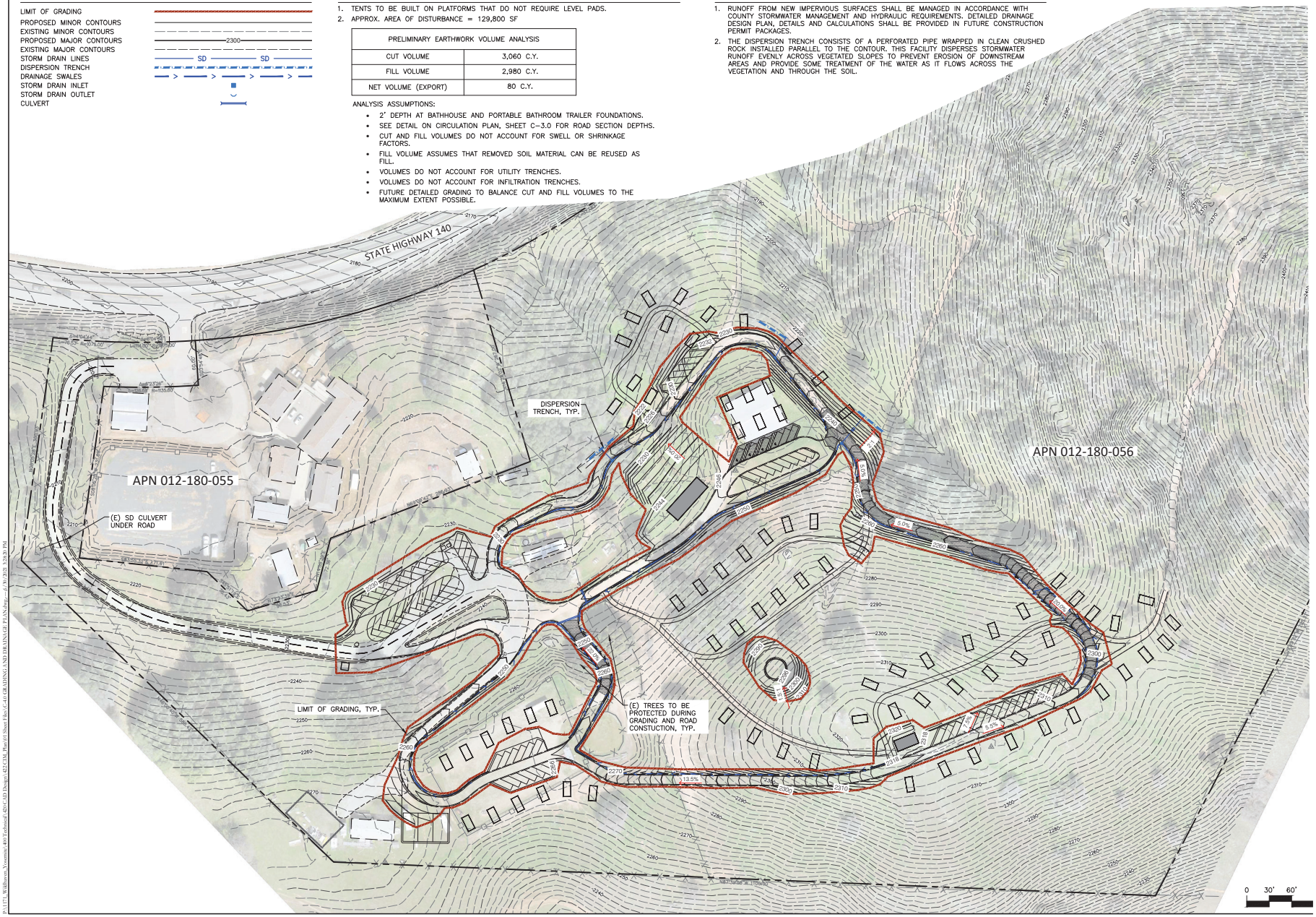
PRELIMINARY EARTHWORK VOLUME ANALYSIS	
CUT VOLUME	3,060 C.Y.
FILL VOLUME	2,980 C.Y.
NET VOLUME (EXPORT)	80 C.Y.

ANALYSIS ASSUMPTIONS:

- 2' DEPTH AT BATHHOUSE AND PORTABLE BATHROOM TRAILER FOUNDATIONS.
- SEE DETAIL ON CIRCULATION PLAN, SHEET C-3.0 FOR ROAD SECTION DEPTHS.
- CUT AND FILL VOLUMES DO NOT ACCOUNT FOR SWELL OR SHRINKAGE FACTORS.
- FILL VOLUME ASSUMES THAT REMOVED SOIL MATERIAL CAN BE REUSED AS FILL.
- VOLUMES DO NOT ACCOUNT FOR UTILITY TRENCHES.
- VOLUMES DO NOT ACCOUNT FOR INFILTRATION TRENCHES.
- FUTURE DETAILED GRADING TO BALANCE CUT AND FILL VOLUMES TO THE MAXIMUM EXTENT POSSIBLE.

DRAINAGE NOTES

1. RUNOFF FROM NEW IMPERVIOUS SURFACES SHALL BE MANAGED IN ACCORDANCE WITH COUNTY STORMWATER MANAGEMENT AND HYDRAULIC REQUIREMENTS. DETAILED DRAINAGE DESIGN PLAN, DETAILS AND CALCULATIONS SHALL BE PROVIDED IN FUTURE CONSTRUCTION PERMIT PACKAGES.
2. THE DISPERSION TRENCH CONSISTS OF A PERFORATED PIPE WRAPPED IN CLEAN CRUSHED ROCK INSTALLED PARALLEL TO THE CONTOUR. THIS FACILITY DISPERSES STORMWATER RUNOFF EVENLY ACROSS VEGETATED SLOPES TO PREVENT EROSION OF DOWNSTREAM AREAS AND PROVIDE SOME TREATMENT OF THE WATER AS IT FLOWS ACROSS THE VEGETATION AND THROUGH THE SOIL.



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REVISIONS

NO	DATE	ISSUE
1	06.25.21	CIM SUBMISSION

DRAWING TITLE: GRADING AND DRAINAGE PLAN

PROJECT #: 1171
DATE: 6/23/2021
DRAWN BY: ST
CHECKED BY: BW
DRAWING NO: C-4.0

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DOMESTIC WATER SYSTEM NOTES

1. PER THE RECENTLY COMPLETED SB 1263 STUDY FOR THIS PROJECT, A NEW PUBLIC WELL WILL NEED TO BE CONSTRUCTED ON THE PROPERTY TO SERVE A NEW COMMUNITY WATER SYSTEM. THIS PLAN SHOWS THE APPROXIMATE PROPOSED LOCATION OF THIS NEW WELL.
2. PER THE 2004 WELL COMPLETION REPORT FOR THE EXISTING WELL SERVING THE PROPERTY, THE 200–FT DEEP WELL YIELDS AN ESTIMATED 30 GAL/MIN. PER THE 2019 WELL COMPLETION REPORT FOR THE EXISTING WELL SERVING THE ADJACENT PROPERTY AT 4558546 YAQUI GULCH RD, THAT 500 FT WELL YIELDS AN ESTIMATED 100 GAL/MIN.
3. PER THE ONGOING WATER QUALITY MONITORING REPORTS FOR EXISTING WELL SERVING THE ADJACENT PARCEL (SPRING HILL FACILITY), THAT WELL CONSISTENTLY PRODUCES WATER OF SUFFICIENT QUALITY FOR A PUBLIC WATER SYSTEM.
4. THE PROJECT'S ESTIMATED WATER DEMANDS ARE AS FOLLOWS:

PROPOSED USE	NUMBER OF PEOPLE	DESIGN GPD (PER PERSON)	TOTAL GPD
TENT OCCUPANTS	200	25	5,000
EMPLOYEES (FULL TIME ON SITE)	4	50	200
EMPLOYEES (FULL TIME OFF SITE)	1	10	10
EMPLOYEES (PART TIME OFF SITE)	5	10	50
		TOTAL WATER USE	5,260

FIRE WATER SYSTEM NOTES

1. A FIRE BOOSTER PUMP WILL BE PROVIDED AT THE NEW WATER TANK TO PROVIDE A MINIMUM FLOW OF 1,000 GAL/MIN AT 20 PSI FOR A MINIMUM DURATION OF 2 HOURS TO THE ONSITE FIRE HYDRANTS.
2. FIRE HYDRANT LOCATIONS ARE PRELIMINARY. FINAL HYDRANT LOCATIONS WILL BE DETERMINED BY THE COUNTY FIRE DEPARTMENT.
3. THE WATER TANK IS SIZED TO PROVIDE A MINIMUM FIRE SUPPLY VOLUME OF 30,000 GALLONS (PER FIRE MARSHAL JOHN MORGAN OF CAL FIRE) PLUS A MINIMUM OF 3 DAYS OF EMERGENCY DOMESTIC WATER STORAGE IN CASE OF POWER OUTAGES OR OTHER CONDITIONS THAT IMPACT THE OPERATION OF THE WELL PUMP AND/OR WATER TREATMENT SYSTEM.

LEGEND

ELECTRIC LINES
(E) ELECTRIC LINES
FIRE WATER LINES
FIRE HYDRANT
SANITARY FORCE MAINS
SANITARY LINES
GRAVITY WATER AUGMENTATION LINE
DOMESTIC WATER LINES
(E) DOMESTIC WATER LINES
PROPERTY LINE

ELECTRICAL NOTES

1. THE LOCATION OF EXISTING ELECTRICAL INFRASTRUCTURE SHOWN IS VERY APPROXIMATE AND SHALL BE VERIFIED PRIOR TO FINAL DESIGN.
2. 2. PROPOSED OUTDOOR SITE LIGHTING SHALL CONSIST OF BUILDING–MOUNTED LIGHT FIXTURES (AT BATHHOUSE AND BATHROOM TRAILER) AND MINOR SOLAR PEDESTRIAN LIGHTS PLACED ALONG WALKING TRAILS AND ROADS.

SEPTIC SYSTEM NOTES

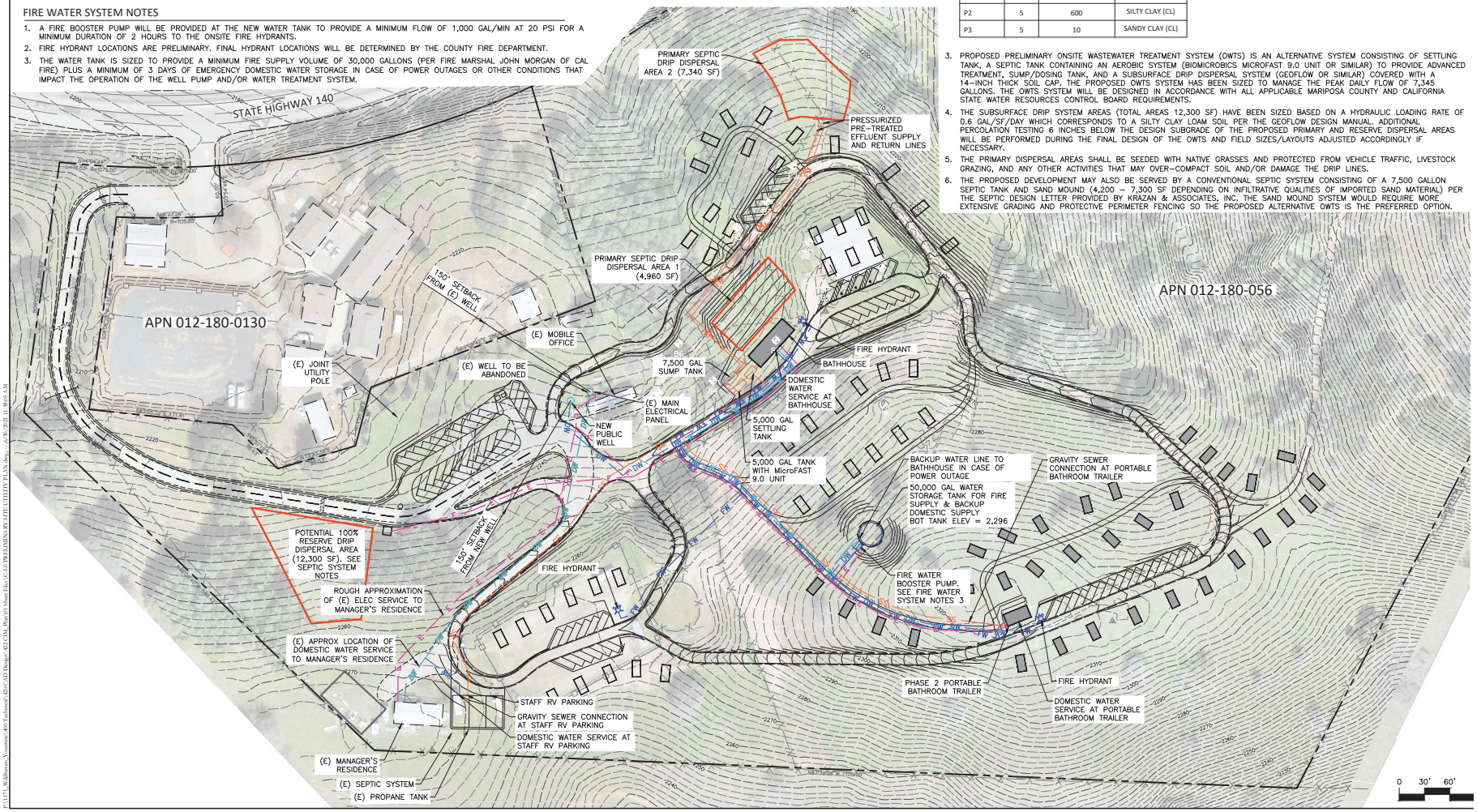
1. ESTIMATED TOTAL DAILY PEAK WASTEWATER FLOW = 7,345 GPD. SEWER DEMAND CALCULATIONS BELOW PER "PERCOLATION TESTING AND SEPTIC DESIGN LETTER" BY KRAZAN & ASSOCIATES, INC. DATED JUNE 4, 2021:

TYPE OF OCCUPANCY	MAX. NUMBER OF PEOPLE	DESIGN WASTEWATER FLOW (GPD PER PERSON)	TOTAL WASTEWATER FLOW (GPD)
CAMPGROUND WITH CENTRAL COMFORT STATION	200	35	7,000
STAFF LIVING ONSITE IN RECREATIONAL VEHICLES	3	75	225
STAFF LIVING OFFSITE	6	20	120
ESTIMATED TOTAL DAILY PEAK WASTEWATER FLOW (GPD)			7,345

2. INITIAL PERCOLATION TESTS PERFORMED AT THE LOCATIONS INDICATED ON THE PLAN BY KRAZAN & ASSOCIATES, INC. IN MAY 2021 YIELDED THE RESULTS SHOWN BELOW. GROUNDWATER WAS NOT ENCOUNTERED WITHIN THE MAXIMUM BORING DEPTH OF 16 FEET BELOW GROUND SURFACE.

TEST NO.	DEPTH (FEET)	PERCOLATION RATE (MIN/IN)	SOIL TYPE
P1	4	171	SANDY CLAY (CL)
P2	5	600	SILTY CLAY (CL)
P3	5	10	SANDY CLAY (CL)

3. PROPOSED PRELIMINARY ONSITE WASTEWATER TREATMENT SYSTEM (OWTS) IS AN ALTERNATIVE SYSTEM CONSISTING OF SETTLING TANK, A SEPTIC TANK CONTAINING AN AEROBIC SYSTEM (BIOMICROBICS MICROFAST 9.0 UNIT OR SIMILAR) TO PROVIDE ADVANCED TREATMENT, SUMP/DOSING TANK, AND A SUBSURFACE DRIP DISPERSAL SYSTEM (GEOFLOW OR SIMILAR) COVERED WITH A 14–INCH THICK SOIL CAP. THE PROPOSED OWTS SYSTEM HAS BEEN SIZED TO MANAGE THE PEAK DAILY FLOW OF 7,345 GALLONS. THE OWTS SYSTEM WILL BE DESIGNED IN ACCORDANCE WITH ALL APPLICABLE MARIPOSA COUNTY AND CALIFORNIA STATE WATER RESOURCES CONTROL BOARD REQUIREMENTS.
4. THE SUBSURFACE DRIP SYSTEM AREAS (TOTAL AREAS 12,300 SF) HAVE BEEN SIZED BASED ON A HYDRAULIC LOADING RATE OF 0.6 GAL/SF/DAY WHICH CORRESPONDS TO A SILTY CLAY LOAM SOIL PER THE GEOFLOW DESIGN MANUAL. ADDITIONAL PERCOLATION TESTING 6 INCHES BELOW THE DESIGN SUBGRADE OF THE PROPOSED PRIMARY AND RESERVE DISPERSAL AREAS WILL BE PERFORMED DURING THE FINAL DESIGN OF THE OWTS AND FIELD SIZES/LAYOUTS ADJUSTED ACCORDINGLY IF NECESSARY.
5. THE PRIMARY DISPERSAL AREAS SHALL BE SEEDED WITH NATIVE GRASSES AND PROTECTED FROM VEHICLE TRAFFIC, LIVESTOCK GRAZING, AND ANY OTHER ACTIVITIES THAT MAY OVER–COMPACT SOIL AND/OR DAMAGE THE DRIP LINES.
6. THE PROPOSED DEVELOPMENT MAY ALSO BE SERVED BY A CONVENTIONAL SEPTIC SYSTEM CONSISTING OF A 7,500 GALLON SEPTIC TANK AND SAND MOUND (4,200 – 7,300 SF DEPENDING ON INFILTRATIVE QUALITIES OF IMPORTED SAND MATERIAL) PER THE SEPTIC DESIGN LETTER PROVIDED BY KRAZAN & ASSOCIATES, INC. THE SAND MOUND SYSTEM WOULD REQUIRE MORE EXTENSIVE GRADING AND PROTECTIVE PERIMETER FENCING SO THE PROPOSED ALTERNATIVE OWTS IS THE PREFERRED OPTION.



Attachment: Site Plans (RES-2022-29 : Commercial-Industrial-Manufacturing (CIM) Plan No. 2021-124;

PRELIM

Lotus Water engineering
660 Mission Street, 2nd Floor
San Francisco, CA 94105
(415) 814-0500 www.lotuswater.com

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WILDHAVEN YOSEMITE
4808 CA-140
MARIPOSA, CA 95338

SCALE: 1"=60'
NOTE: IF THIS DRAWING IS NOT 22"X34", IT HAS BEEN REVISED FROM ITS ORIGINAL SIZE. SCALE IS NO LONGER APPLICABLE.

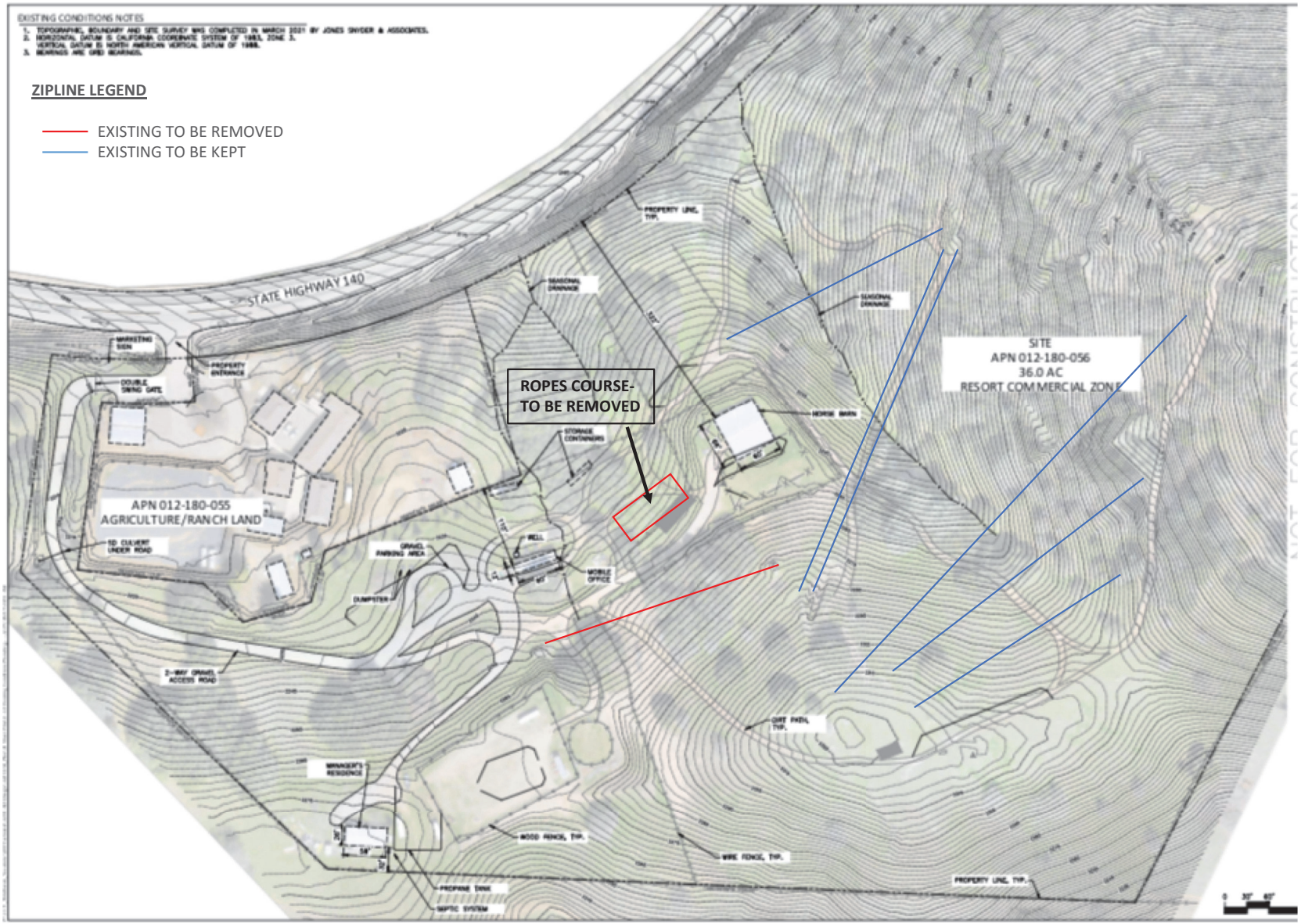
REVISIONS

NO	DATE	ISSUE
1	06.25.21	CIM SUBMISSION

DRAWING TITLE: SITE UTILITY PLAN

PROJECT #: 1171
DATE: 6/23/2021
DRAWN BY: ST
CHECKED BY: BW
DRAWING NO: C-5.0

P:\1171_Wildhaven Yosemite\40-Technical\~4DEC\3D Design\42-CIM_Plan\01 Sheet Files\C-5.0 PRELIMINARY SITE UTILITY PLAN.dwg — 6/30/2021 11:38:05 AM



Attachment: Site Plans (RES-2022-29 : Commercial-Industrial-Manufacturing (CIM) Plan No. 2021-124;

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
BOARD OF SUPERVISORS

Resolution
No. 2022-___

Resolution Adopting a Mitigated Negative Declaration and Approving Commercial-Industrial-Manufacturing (CIM) Plan No. 2021-124 for Wildhaven Yosemite, an 80-unit Glamping Project, with Findings, Conditions, and Mitigation Measures. CalCamp2 LLC Dba Wildhaven Yosemite, Applicant. The Project is Located at 4808 Highway 140, Assessor Parcel Number 012-180-056.

WHEREAS, a Commercial-Industrial-Manufacturing (CIM) Plan application was received on July 1st 2021 for an 80-unit campground project to be located at 4808 Highway 140, Mariposa, CA, also known as Assessor Parcel Number 012-180-0560; and

WHEREAS, the 36.3-acre parcel is currently being used for the Yosemite Ziplines and Adventure Ranch project, which operates under Commercial-Industrial-Manufacturing (CIM) Plan No. 2010-150 that was approved on March 15, 2011 as part of a project that reclassified the property to the Rural Economic/Recreation land use classification and rezoned the property to Resort Commercial; and

WHEREAS, the proposed campground use is permitted in the Rural Economic/Recreation land use classification and the Resort Commercial zone; and

WHEREAS, the Planning Department circulated the application among trustee and responsible agencies, interested public organizations, and others as appropriate; and

WHEREAS, a Staff Report and Initial Study/proposed Mitigated Negative Declaration (SCH No. 2021110182) were prepared pursuant to the California Government Code, Mariposa County Code, California Environmental Quality Act, and local administrative procedures; and

WHEREAS, the Initial Study was circulated on the 12th day of November 2021; and

WHEREAS, a duly noticed Planning Commission public hearing was scheduled for the 17th day of December 2021; 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 Initial Study/proposed Mitigated Negative Declaration and Staff Report, testimony presented by the public concerning the application, and the comments of the applicant; and

WHEREAS, the Planning Commission adopted Resolution No. 2021-21, recommending that the Board of Supervisors adopt a mitigated negative declaration for the project and approve Commercial-Industrial-Manufacturing (CIM) Plan Application No. 2021-124 with findings, conditions, and mitigation measures; and

WHEREAS, a duly noticed Board of Supervisors' public hearing was scheduled for the 11th day of January 2022; and

Attachment: Resolution (RES-2022-29 : Commercial-Industrial-Manufacturing (CIM) Plan No. 2021-124; Wildhaven Yosemite)

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

WHEREAS, the Board of Supervisors did hold a public hearing on the hearing date and considered all the information in the public record, including the staff report packet and testimony from the public.

NOW BE IT RESOLVED THAT the Board of Supervisors of the County of Mariposa does hereby adopt a Mitigated Negative Declaration for the project and approve Commercial-Industrial-Manufacturing (CIM) Plan No. 2021-124.

NOW BE IT FINALLY RESOLVED THAT this action is based on the findings set forth in Exhibit 1 and the conditions of approval and mitigation measures set forth in Exhibit 2.

ON MOTION BY Supervisor _____, seconded by Supervisor _____, this resolution is duly passed and adopted this 11th day of January 2022 by the following vote:

AYES:

NOES:

EXCUSED:

ABSTAIN:

_____
, Chair
Mariposa County Board of Supervisors

Attest:

_____
René LaRoche, Clerk of the Board of Supervisors

APPROVED AS TO LEGAL FORM

_____
Steven W. Dahlem, County Counsel

Attachment: Resolution (RES-2022-29 : Commercial-Industrial-Manufacturing (CIM) Plan No. 2021-124; Wildhaven Yosemite)

Exhibit 1 - Findings for CIM Plan No. 2021-124

In accordance with Section 17.128.050(C) of the Mariposa County Zoning Code, the following findings are made for Commercial-Industrial-Manufacturing Plan No. 2021-124:

1. **FINDING:** The amendment is in the general public interest, and will not have a significant adverse effect on the general public health, safety, peace, and welfare. (§17.128.050(C)(1), Mariposa County Zoning Code)

   EVIDENCE: The project is in the general public interest because it provides an additional overnight accommodation amenity to the touring public and enhances the hospitality industry, which is vital to the county. The Initial Study prepared for the project found no significant impacts from the project on the public health, safety, peace, and welfare of the residents of the area and the county in general, including impacts on the issues of noise, traffic, aesthetics, public services, air pollution, and fire hazards. The provision of water and sewage disposal at the site will be implemented under all state and local standards and requirements. The site is already developed and used for commercial recreational purposes.

2. **FINDING:** The amendment is desirable for the purpose of improving the Mariposa County General Plan with respect to providing a long-term guide for county development and a short term basis for day-to-day decision making. (§17.128.050(C)(2), Mariposa County Zoning Code)

   EVIDENCE: The amendment to the land use of the site is consistent with the Rural Economic/Recreation land use classification and the Resort Commercial zone. The project is subject to all of the development standards contained in the General Plan and Chapter 17.96 (Resort Commercial Zone) of Title 17, Zoning Ordinance. As of the date of the approval of this project, there are a limited number of CIM Plan developments that have been approved in the Rural Economic/Recreation land use classification. This project will provide a guide as to how such projects are reviewed, improved and implemented. It provides a short-term basis for day-to-day decision making by establishing a processing and review framework for future developers of property to consider when contemplating similar development of property in the Rural Economic/Recreation land use classification and the Resort Commercial zone.

3. **FINDING:** The amendment conforms to the requirements of state law and county policy. (§17.128.050(C)(3), Mariposa County Zoning Code)

   EVIDENCE: The change in the land use on the property to a campground will trigger implementation of state and local mandates that the project will be required to adhere to. State Special Occupancy Park standards and county standards will govern the permitting, construction and operation of the campground. The amendment to the land use on the property has been processed in accordance with the requirements of state law and county policy.

Attachment: Resolution (RES-2022-29 : Commercial-Industrial-Manufacturing (CIM) Plan No. 2021-124; Wildhaven Yosemite)

4. **FINDING:** The amendment is consistent with other guiding policies, goals, policies and standards of the Mariposa County General Plan. (§17.128.050(C)(4), Mariposa County Zoning Code)

EVIDENCE: The change in the land use on the property to a campground is consistent with all goals, policies and standards of the General Plan. Additional campground facilities are a demonstrated need in Mariposa County. The campground use implements the applicable goals, policies, and implementation measures contained in the Economic Development and Regional Tourism elements of the General Plan. Section 6.1.05(A) in the general plan's Economic Development Element addresses the need to expand the visitor serving economy. One of the components of implementing this goal states: *"Expanding the visitor economy is an important short-term economic strategy. This expansion will be accomplished through a number of different efforts, but the primary goals are to extend the (tourist) "season" from five to nine months or longer, increase lengths of stay and room occupancy rates, and make Mariposa County, outside Yosemite National Park, a major destination for visitor activities."* Goal 13-5 in the Regional Tourism Element states: *"Provide job growth and sustain County revenues by enhancing and expanding the visitor-serving sectors of the economy."* Policy 13-5a under this goal states: *"Implement active programs designed to increase opportunities for a diverse tourism experience."* Two of the goals of Implementation Measure 13-5a(1) are "*1. Increase the length of visitor stay within the County, and 2. Expand the tourist season into shoulder seasons."* The campground project will contribute to achieving the goals, policies and standards of the general plan, including extending the tourist season by providing winter camping.

5. **FINDING:** The subject parcel is physically suitable (including, but not limited to access, provision of utilities and infrastructure, compatibility with adjoining land uses, and absence of physical constraints) for the requested land use designation and the anticipated land use development. (§17.128.050(C)(5)(a), Mariposa County Zoning Code)

EVIDENCE: The project site is already used for commercial recreation purposes. Access from Highway 140 onto the project site is adequate for the project. The project will provide on-site water and wastewater disposal systems. These systems will be permitted and constructed in accordance with all state and local standards. The Initial Study prepared for the project found no significant impacts on adjoining land uses. The site is surrounded on three sides by a large 2,700-acre ranch holding. There are no physical constraints to the development of the site as a campground use that cannot be addressed by permitting, construction, and operational standards that will be applied to the project. The Initial Study for the project found potentially significant impacts on biological resources, including ephemeral drainage/riparian features. Implementation of mitigation measures will reduce these potentially significant impacts to less than significant levels. There are no known cultural resources on the site that would be impacted by project development, according to the cultural resources survey prepared for the project. There is the potential for such resources or human remains to be found during project construction and implementation

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of a mitigation measure to address this issue will reduce this potentially significant impact to a less than significant level.

6. **FINDING:** The proposed zoning is logical and desirable to provide expanded employment opportunities, or basic services to the immediate residential population or touring public. (§17.128.050(C)(5)(b), Mariposa County Zoning Code)

   EVIDENCE: The property is zoned Resort Commercial and campgrounds are a permitted use in this zone. The project only proposes a change to the existing land use on the project site. The campground project will expand employment opportunities in this area of the county. The project will provide five full-time employment positions and five part-time positions. The project will require a full-time, on-site manager. The project will provide a needed service to the sector of the touring public that seeks an outdoor accommodation experience while visiting Mariposa County. The project is in close proximity to the community of Mariposa, which will provide additional services to guests at the site.

7. **FINDING:** The project has been reviewed under the Special Use Standards for campgrounds contained in the Resort Commercial Zone. While several RV units are proposed as part of the project, they are limited for the use of employees. No RV spaces are allowed for transient occupancy. Any proposal to provide for additional RV spaces, beyond those allowed for use by employees will require an amendment, review, and approval pursuant to the Special Use Standards for Recreational Vehicle Parks (§17.96; Mariposa County Zoning Code)

Exhibit 2 - Conditions of Approval and Mitigation Measures for CIM Plan No. 2021-124

Project Name: Wildhaven Yosemite **Project Approval Date: January 11, 2022**

The following conditions of approval and mitigation measures are applied to this project in order to ensure compliance with all applicable codes and policies and the findings of the initial study prepared for the project.

1. CIM Plan No. 2021-124 is approved for the following uses:

   Phase I

   - Construction of approximately 40 basic wood tent platforms, ranging in size from 10’ x 20’ to 12’ x 24’.
   - Pitch and furnish 40 canvas tents on top of tent platforms, which at full occupancy would hold 100 guests (assuming 2.5 avg. guests per tent.
   - Build an approximately 10’ x 10’ reception/check-in kiosk.
   - Design and build the communal bathhouse, supporting both Phase I and Phase II. The estimated size of the facility is 20’ x 60’ with rustic post and beam construction housing men’s and women’s bathrooms and approximately 10 shower stalls and eight toilets in each. The facility will be served by a new well (specific for a public

Attachment: Resolution (RES-2022-29 : Commercial-Industrial-Manufacturing (CIM) Plan No. 2021-124; Wildhaven Yosemite)

water system) to be drilled on site and the property's existing electrical infrastructure.
- Construction of a septic system to support the bathhouse.
- Install an automatic gate with emergency controls for fire service access.
- Install non-permanent propane fire pits at the premium tents to reduce fire risk; the one common area non-permanent fire pit may switch to wood fuel in the winter months and would be managed by Wildhaven staff.

Phase II
- Build and furnish another approximately 40 tents using the same Phase I specifications. Completion of this construction would bring total tent capacity up to 80, which would serve 200 guests at full occupancy (assuming 2.5 average guests per tent).
- Provide a portable bathroom trailer.

The approved site plan includes the installation of a 50,000-gallon storage tank for firefighting and back-up domestic supply and 82 parking spaces. The project proponent may incorporate the existing zipline amenity into the campground project. The zipline would be for the sole use of overnight campers. The reception facility for guest check-in, and a small store facility for guests to purchase incidentals, snacks, drinks (including beer & wine), and Wildhaven-branded merchandise would be located in the existing on-site office structure.

Timing of the implementation of the phases of development shall be at the sole discretion of the project proponent, but full project implementation must be completed prior to the project approval expiration date included in the conditions of approval.

(Mariposa Planning Recommendation)

2. The project shall be developed in substantial compliance with the approved site plan dated June 25, 2021. Prior to any modification and/or any deviation from the site plan approved by Mariposa County, said modification/deviation shall be reviewed and approved by the Planning Director in accordance with the conditions of approval. Minor modifications or amendments in the site layout, configuration, size, and materials of the project site may be approved by the Planning Director provided that any expansion does not exceed 10% of the size of area of the approved facility and provided a finding can be made that the potential modification does not create impacts which were not addresses in the original approval. Modifications or amendments to the project exceeding 10% of the size of the approved facility shall be approved by the Planning Commission and Board of Supervisors. The applicant may increase the number of RVs available for employee housing up to the total number of employees or 10 RVs, whichever is less. The RVs use shall be limited to employee housing. Should any proposed modification(s)/amendment(s) result in potential impacts which were not reviewed and conditioned by the original action and approval of this CIM Plan then an application for amended conditions/amended site plan may be required by the Planning Director.

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(Mariposa Planning Recommendation)

3. This project is approved on January 11th, 2022. This approval shall expire January 11th, 2025. If the conditions of approval are not completed and the project is not fully implemented by January 11th, 2025 the applicant may request one (1) time extension of up to eighteen (18) months (total). The applicant must make this request in writing prior to January 11th, 2025.

   (Mariposa Planning Recommendation)

4. The project shall be developed in strict conformance with applicable permitting and operational standards contained in Title 25, Division 1, Chapter 2.2 – Special Occupancy Parks, California Code of Regulations. The project shall not be approved for operation by Mariposa County until such time as the project receives a permit to operate by the California Housing and Community Development Department as required by Section 2010 (Permit to Operate – Construction Completed) of Article 1 (Administration and Enforcement) Title 25, Division 1, Chapter 2.2 – Special Occupancy Parks, California Code of Regulations. The project proponent shall provide Mariposa Planning with a copy of the permit to operate the facility issued by the California Housing and Community Development Department.

   (Mariposa Planning Recommendation)

5. The project shall be implemented in compliance with all applicable standards of the Rural Economic land use classification and the Rural Economic/Recreation subclassification contained in Section 5.3.03 of the Mariposa County General Plan; with all applicable standards for a CIM Plan contained in Chapter 84 of Title 17; and with all applicable standards for the Resort Commercial zone contained in Chapter 17.96 of Title 17.

   (Mariposa Planning Recommendation; General Plan and zoning standards).

6. The project proponent/operator shall employ for the life of the project the fire protection and mitigation standards contained in the Fire Hazard Mitigation Plan (FHMP) prepared for the project by Dudek, dated June 2021. The Emergency Operations Plan described in the FHMP shall be prepared to include all of the applicable standards required for Emergency Preparedness Plans contained in Section 2013 (Emergency Preparedness Plans) of Article 1 (Administration and Enforcement), Title 25, Chapter 2.2 – Special Occupancy Parks in the California Code of Regulations. The FHMP shall be allowed to be amended to add new standards or to amend original standards at the discretion of the project proponent/operator. Any amended standards shall be of equal or greater efficacy to those they replace.

   (Mariposa Planning Recommendation; California Code of Regulations)

7. An encroachment permit shall be obtained from the California Department of Transportation (Caltrans) prior to any work being done within the State Highway 140 right-of-way. A copy of the encroachment permit or evidence that a permit is not required shall

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be provided to Mariposa Planning. All encroachment improvements shall be completed as required by Caltrans. Evidence that all encroachment permit improvements have been completed to the satisfaction of Caltrans shall be submitted to Mariposa Planning by the project proponent prior to the submittal to the state Housing and Community Development of an application for a permit to operate.

(Mariposa Planning Recommendation)

8. Prior to the issuance of a grading permit for the project, the project applicant shall submit engineered drainage plans to the California Department of Transportation for review to ensure that all Caltrans requirements regarding drainage from the project site are addressed. The drainage plans shall be prepared to Caltrans standards. The plans shall show how any runoff into State drainage facilities from the site is to be treated to meet current stormwater quality standards. If flows into State drainage facilities will not be increased by the project, the project shall provide Caltrans with information utilized to arrive at that conclusion. Verification of Caltrans review and approval of the drainage plans shall be provided to the Mariposa County Planning and Public Works departments prior to the issuance of a grading permit.

(Caltrans Recommendation)

9. Prior to issuance or authorization by the Planning Department for any permit, a final site plan showing all parking, camp sites, and employee RV spaces located a minimum of 50 feet from all property lines and 100 feet from the centerline of any dedicated public right-of-way shall be submitted and approved by the Planning Department. A landscaping plan shall also be submitted showing no more than 6 parking spaces adjoining each other without intervening landscaping. The final site plan and landscaping plan shall be in general conformance to the site plan dated June 25, 2021.

(Section 17.96.050.A.7 and Section 17.88.040.C. Mariposa County Code)

10. Prior to the installation of any signage, an application for Design Review of the proposed signage shall be submitted and approved by Mariposa Planning. In addition to compliance with Mariposa County sign standards, any outdoor advertising displays visible to traffic on Highway 140 shall be installed and constructed in compliance with state regulations. Such displays are subject to the provisions of the Outdoor Advertising Act (Business and Professions Code §5200 et seq) which requires the submittal of an Outdoor Advertising Permit Application to Caltrans. Evidence of the approval of such signage by Caltrans shall be provided to Mariposa Planning.

(Caltrans Requirement; §5200 et seq of the state Business and Professions Code)

11. The project applicant shall improve the access to a minimum of Rural Class III A road standard (24-foot wide graveled) from Highway 140 to the parking lot and all internal two-way roads. The access from State Highway 140 to the access points into the Spring Hill High School site is required to remain paved. The width of internal one-way roads may be

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reduced to 12 feet wide. Areas in excess of 16% grade shall be paved. The access roads shall meet the above standards prior to finalization of the Building Department or Housing and Community Development permits and prior to beginning operation of the project. The improvements shall be completed in accordance with the Road Improvement and Circulation Policy and the County Improvement Standards and shall be inspected and approved by a Registered Civil Engineer prior to the finalization of the Building Permits and beginning operation of the project. The applicant shall submit a letter signed and stamped by a Registered Civil Engineer stating that the road meets the County's Rural Class III A road standards. Engineered improvement plans may be required to be prepared by a Registered Civil Engineer for any improvements required as a condition of approval for this project. If engineered improvement plans are required, the plans shall be approved by the Building Department prior to commencement of construction work on the required road improvements. This section of roadway shall be maintained to this standard for the life of the project.

(Applicant Proposal, Road Improvement and Circulation Policy)

12. Prior to the commencement of any grading or construction activities on the project site, the project proponent shall contact the Regional Water Quality Control Board to determine if a General Permit for Discharges of Storm Water Associated with Construction Activity is required. If required, the proponent shall obtain the permit prior to commencement of grading or construction activities. A copy of the approved permit or evidence that a permit is not required shall be submitted to Mariposa Planning by the proponent prior to commencement of grading or construction activities. If a permit is required, all provisions and requirements of the permit shall be completed prior to issuance of a certificate of occupancy for the project. The proponent shall submit to Mariposa Planning evidence that the permit requirements have been met to the satisfaction of the Regional Water Quality Control Board.

(State Water Quality Control Board Order No. 99-08-DWQ, National Pollutant Discharge Elimination System (NPDES))

13. The project proponent shall obtain a transient, non-community water system permit from the California Department of Public Health, Division of Drinking Water and Environmental Management if the on-site well is to provide drinking water to guests and staff. The project proponent shall provide Mariposa Planning and the Mariposa County Health and Human Services Agency, Environmental Health Unit a copy of the permit prior to issuance of a certificate of occupancy for the project.

(California Department of Public Health, Division of Drinking Water and Environmental Management requirement)

14. Prior to the issuance of a grading or construction permit for the project, the project proponent shall prepare a grading and construction dust mitigation plan and a hazardous materials storage plan and submit the plans to the Mariposa County Health and Human

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Services Agency, Environmental Health Unit (EHU) for review and approval. The project proponent shall provide Mariposa Planning evidence of EHU approval of the plans.

(Environmental Health Unit Recommendation)

15. Prior to the issuance of a certificate of occupancy for the project, the project proponent shall prepare a solid waste management plan and submit the plan to the Mariposa County Health and Human Services Agency, Environmental Health Unit (EHU) for review and approval. The plan shall incorporate the standards contained in Section 2120 (Rubbish and Accumulation of Waste Material) of Article 2 (General Park Requirements), Title 25, Division 1, Chapter 2.2, Special Occupancy Parks, California Code of Regulations. Solid waste shall be handled in compliance with all applicable sections of Mariposa County Code Title 8.36. Outdoor trash containers shall be required to meet the standards of Chapter 8.44, of Title 8, Health and Safety, Mariposa County Code, commonly known as the "Mariposa County Bear Control Ordinance." Verification by the Planning Department prior to issuance of Certificate of Occupancy. The project proponent shall provide Mariposa Planning evidence of EHU approval of the plan.

    (Environmental Health Unit Recommendation)

16. All wastewater/sewage disposal shall be conducted in a manner approved by the Mariposa County Health and Human Services Department, Environmental Health Unit. Written confirmation from the Health and Human Services Department, Environmental Health Unit that all necessary permits and requirements have been met shall be provided to the Planning Department prior to initiation of any project activities.

    Prior to the use of any portable restrooms, a permit shall be obtained from the Environmental Health Unit. The length of use of portable restrooms may be limited.

    (Mariposa County Health and Human Services Department, Environmental Health Unit Recommendation)

16. All exterior lighting fixtures shall be shielded and shall be designed and located to confine lighting directly on the premises. Lighting should be of minimum, but adequate, intensity. Exterior lighting fixtures shall not shine light upon or directly illuminate any surface other than the area required to be lighted, and must meet International Dark Sky requirements (General Plan Implementation Measure 11-1.d(1)). A lighting plan showing the design and location of all exterior lights shall be submitted to the Planning Department up to thirty (30) days after the issuance of a Building Permit and the design of the lighting fixtures shall be subject to Planning Director approval.
    (Mariposa Planning Recommendation)

17. Prior to issuance of the Certificate of Occupancy, all fees associated with the County's processing of the map and filing of associated documents shall be paid. The Department of Fish and Game filing fee ($2,548.00 as of January 1st 2022) and County Clerk fee ($50 as of January 1, 2022) shall be paid by the applicant within five (5) working days of the approval of the application (by ***Tuesday January 18th, 2022***, because if the fee is not paid

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within 5 working days, and the Notice of Determination is not filed with the County Clerk prior to close of business on ***Tuesday, January 18th, 2022*** the environmental determination is not operative, vested, or final (Section 21089(b) Public Resources Code).

The County Clerk requires that one check be submitted to cover both of these fees, for a total of $2,598.00 (effective January 1st, 2022), and that it be in the form of a cashier's check or money order payable to "Mariposa County;" The County Clerk will not accept a personal check for these fees. Submit the check to Mariposa Planning who will file this fee and other required documents with the County Clerk.

NOTE: The filing fees are adjusted annually, effective January 1st of each year, pursuant to Fish and Game Code.

(California Department of Fish and Wildlife Requirement; Mariposa Planning Recommendation)

18. The Property Owner (Owner) shall indemnify, protect, defend, and hold harmless the County, and any agency or instrumentality thereof, and officers, officials, employees, or agents thereof, from any and all claims, actions, suits, proceedings, or judgments against the County, or any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof to attack, set aside, void, or annul, any approval of the County, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the County, concerning the project and the approvals granted herein. Actions concerning the project and approvals granted shall include, but not be limited to, the environmental determination made pursuant to the California Environmental Quality Act (CEQA). Furthermore, Owner shall indemnify, protect, defend, and hold harmless the County, or any agency or instrumentality thereof, against any and all claims, actions, suits, proceedings, or judgments against another governmental entity in which Owner's project is subject to that other governmental entity's approval and a condition of such approval is that the County indemnify and defend such governmental entity. County shall promptly notify the Owner of any claim, action, or proceeding. County will further cooperate in the defense of the action.

    An agreement on a form approved by Mariposa County Counsel shall be executed within twenty (20) working days of the date of project action. Non-compliance with this condition may result in revocation of project approval by the county.

    (Mariposa Planning Recommendation)

19. Non-compliance with any of the conditions of approval for Commercial-Industrial-Manufacturing (CIM) Plan No. 2021-124 may be grounds for revocation of the CIM Plan.

    (Mariposa Planning Recommendation)

20. It shall be the responsibility of the applicant to schedule an inspection with the Planning Department, two years after commencing operation of the project, to ensure continued

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compliance with the approved conditions of the project. The Planning Director may request information to determine compliance. At the discretion of the Planning Director, an item may be scheduled for the Planning Commission to review any compliance issues associated with the project. The applicant shall be responsible for all costs associated with this requirement.

(Mariposa Planning Recommendation)

21. The existing access road from State Highway 140 is a named road. A road name sign (Fremont Turnpike) shall be installed at the intersection of Highway 140 and the access easement. A new address shall be obtained from the Assessor's Office based on the official road name. The applicant has the option of renaming the road if all of the road naming requirements can be met. This condition shall be satisfied prior to beginning operation.

    (Mariposa Planning Recommendation)

22. Pre-construction field surveys for special status bat species during the breeding season (April 1st to August 31st) shall be conducted by a qualified biologist to determine whether active roosts are present on site, or within 100 feet of the project boundaries. Areas off the project site that are inaccessible due to private property restrictions shall be surveyed using binoculars from the nearest vantage point. Field surveys shall be conducted early in the breeding season before any construction activities begin, when bats are establishing maternity roosts but before pregnant females give birth (April through early May). Surveys shall be conducted no more than seven days prior to the onset of construction. If no roosting bats are found, then no further mitigation is required. If suitable habitat and/or bat signs are detected, a biologist shall conduct evening visual emergence surveys from one-half hour prior to sunset to one to two hours after sunset for a minimum of two nights. If roosting bats are found, the disturbance of the maternity roosts shall be avoided by halting construction until the end of the breeding season, or a qualified bat biologist excludes the roosting bats in consultation with the California Department of Fish and Wildlife. If construction activities begin prior to April 1, no pre-construction surveys are required. If at any time during the roosting season construction stops for a period of two weeks or longer, pre-construction surveys shall be conducted prior to construction resuming. The Planning Department shall be provided a copy of the results of any survey conducted and evidence that any required mitigation measures have been implemented prior to initiation of construction or grading activities.

    (Mitigation Measure 4.a.1)

23. Pre-construction field surveys for special status plant species identified as having a medium to high potential to occur within the habitats identified on the project site shall be conducted by a qualified biologist prior to commencement of construction activities. Surveys shall be conducted following the Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (California Department of Fish and Wildlife, 2018). Surveys are to be conducted in April and June of the year construction is to commence. As an example, if construction is to commence in August of a particular

Attachment: Resolution (RES-2022-29 : Commercial-Industrial-Manufacturing (CIM) Plan No. 2021-124; Wildhaven Yosemite)

year, surveys conducted in April and June of that year will satisfy the pre-construction survey requirement. Surveys from prior years may be used in a prescribed circumstance. For example, if construction is to commence in May of a particular year, surveys from April of that year and June of the prior year will satisfy the pre-construction survey requirement. If such species are found, the project proponent shall prepare and implement a Transplantation and Monitoring Plan. The Plan shall be subject to review and approval by the California Department of Fish and Wildlife prior to commencement of any construction activities within the special-status plant species area. The Plan shall describe the intent and anticipated success of transplanting, and specific success criteria for transplanted plants and related long-term protection and management of transplanted plants. The Planning Department shall be provided a copy of the results of any pre-construction surveys conducted on the project site and any approved Transplanting and Monitoring Plan and evidence that any required mitigation measures contained in the Plan have been implemented prior to initiation of construction or grading activities.

(Mitigation Measure 4.a.2)

24. The project proponent shall prepare and implement a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP shall be prepared in accordance with State Water Resources Control Board standards and shall include a grading and erosion control plan required for all construction plans to address potential erosion control during construction. All construction plans and activities shall implement Best Management Practices (BMP) to provide effective erosion, runoff, and sediment control. BMPs may include, but not be limited to, the use of straw waddles protecting down slope water features from construction activities, the use of silt fencing, or placement of construction exclusion fencing around stream or wetland resources in the vicinity of an activity. BMPs shall be selected to achieve maximum sediment removal and to represent the best available technology that is economically achievable.

    If the project design changes and direct impacts to aquatic resources are anticipated, prior to the commencement of construction or grading activities in aquatic resources (such as ephemeral channels) within areas proposed for development, the project proponent shall acquire all applicable state and federal wetland and waters permits.

    The Planning Department shall be provided a copy of all permit applications and evidence of approval of permits by applicable agencies, and evidence that any required measures approved by applicable agencies to protect water features have been implemented prior to initiation of construction or grading activities.

    (Mitigation Measure 4.b.1)

25. Pre-construction surveys by a qualified biologist for active nests in suitable nesting habitat for raptors and migratory birds within 500 feet of the construction area during the nesting season (February 1 to September 15) shall be conducted. Areas off the project site that are inaccessible due to private property restrictions shall be surveyed using binoculars from the nearest vantage point. The survey shall be conducted no more than seven days prior to

Attachment: Resolution (RES-2022-29 : Commercial-Industrial-Manufacturing (CIM) Plan No. 2021-124; Wildhaven Yosemite)

the onset of construction. If no active nests are identified during the pre-construction survey, no further mitigation is necessary. If construction activities begin prior to February 1, it is assumed that no birds would nest in the project site during active construction activities and no pre-construction surveys are required. If at any time during the nesting season construction stops for a period of two weeks or longer, pre-construction surveys shall be conducted prior to construction resuming. If active nests are found during the survey, the project proponent shall implement mitigation measures to ensure that the species would not be adversely affected, which would include establishing a no-work buffer zone as, approved by the California Department of Fish and Wildlife, around the active nest. Measures shall include, but would not be limited to:

1. For trees with active nests, the project proponent shall conduct any tree removal activities required for project construction outside of the migratory bird breeding season (February 1 through September 15).

2. If active nests are found on or within 500 feet of the project site, then the project proponent shall establish no disturbance buffers for active nests of 250 feet for migratory bird species and 500 feet for raptor species until the breeding season has ended, or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. Depending on the conditions specific to each nest, and the relative location and rate of construction activities, it may be feasible for construction to occur as planned within the buffer without impacting the breeding effort. Nests that are inaccessible due to private property restrictions shall be monitored using binoculars from the nearest vantage point. Construction activities may be halted at any time if, in the professional opinion of the biologist, construction activities are affecting the breeding effort.

3. Depending on conditions specific to each nest, and the relative location and rate of construction activities, it may be feasible for construction to occur as planned within the buffer without impacting the breeding effort. In this case (to be determined on a case-by-case basis), the nest(s) shall be monitored by a qualified biologist during construction within the buffer. If, in the professional opinion of the monitor the project would impact the nest, the biologist shall immediately inform the construction manager and the project proponent shall notify the California Department of Fish and Wildlife. The construction manager shall stop construction activities within the buffer until the nest is no longer active. Completion of the nesting cycle shall be determined by a qualified biologist. If construction begins outside of the migratory bird breeding season (February 1 through September 15), then the project proponent is permitted to continue construction activities throughout the breeding season.

The Planning Department shall be provided a copy of the results of any survey conducted and evidence that any required mitigation measures have been implemented prior to initiation of construction or grading activities.

Attachment: Resolution (RES-2022-29 : Commercial-Industrial-Manufacturing (CIM) Plan No. 2021-124; Wildhaven Yosemite)

(Mitigation Measure 4.d.1)

26. In the event human remains, artifacts, or potentially significant cultural resources are discovered during ground disturbance on the project site, a Native American monitor shall be on-site for the duration of ground disturbance. During road grading, soil testing and/or construction, or any activity that involves ground disturbance necessary to implement the project, if any signs of prehistoric, historic, archaeological, paleontological resources are evident, all work activity within fifty (50) feet of the find shall stop and the Mariposa County Planning Department shall be notified immediately. No work shall be done within fifty (50) feet of the find until Planning has identified appropriate measures to protect the find and those measures have been implemented by the applicant. Protection measures for the site may include, but not be limited to, requiring the applicant to hire a qualified archaeologist who shall conduct necessary inspections and research, and who may supervise all further ground disturbance activities and make any such recommendations as necessary to ensure compliance with applicable regulations. In addition to the Planning Department, the Mariposa County Coroner and the Native American Heritage Commission (NAHC) shall be notified should human remains be discovered. If the remains are determined by the Native American Heritage Commission to be Native American, the NAHC guidelines shall be adhered to in treatment and disposition of the remains. Representatives of the Most Likely Descendant shall be requested to be on-site during disturbance and/or removal of human remains.

(Mitigation Measure 5.c.1)

Attachment: Resolution (RES-2022-29 : Commercial-Industrial-Manufacturing (CIM) Plan No. 2021-124; Wildhaven Yosemite)

Attachment: PPT Presentation (RES-2022-29 : Commercial-Industrial-Manufacturing (CIM)

Commercial Industrial Manufacturing (CIM) Plan Application No. 2021-124

Wildhaven Yosemite

SCH No. 2021110182

Board of Supervisors Public Hearing

January 11, 2022

Project Consideration and Action

Applicant: CalCamp2 LLC dba Wildhaven Yosemite

Project Background

- General Plan Land Use
  - Rural Economic/ Recreation Subclassification
- Zoning
  - Resort Commercial
- Current on- site uses
  - Yosemite Ziplines and Adventure Ranch recreational development. (CIM No. 2010-150 2011)
- Adjacent Land Uses
  - Public Facility, (Old Spring Hill School, County Fire Offices)
  - Agriculture

Project Background

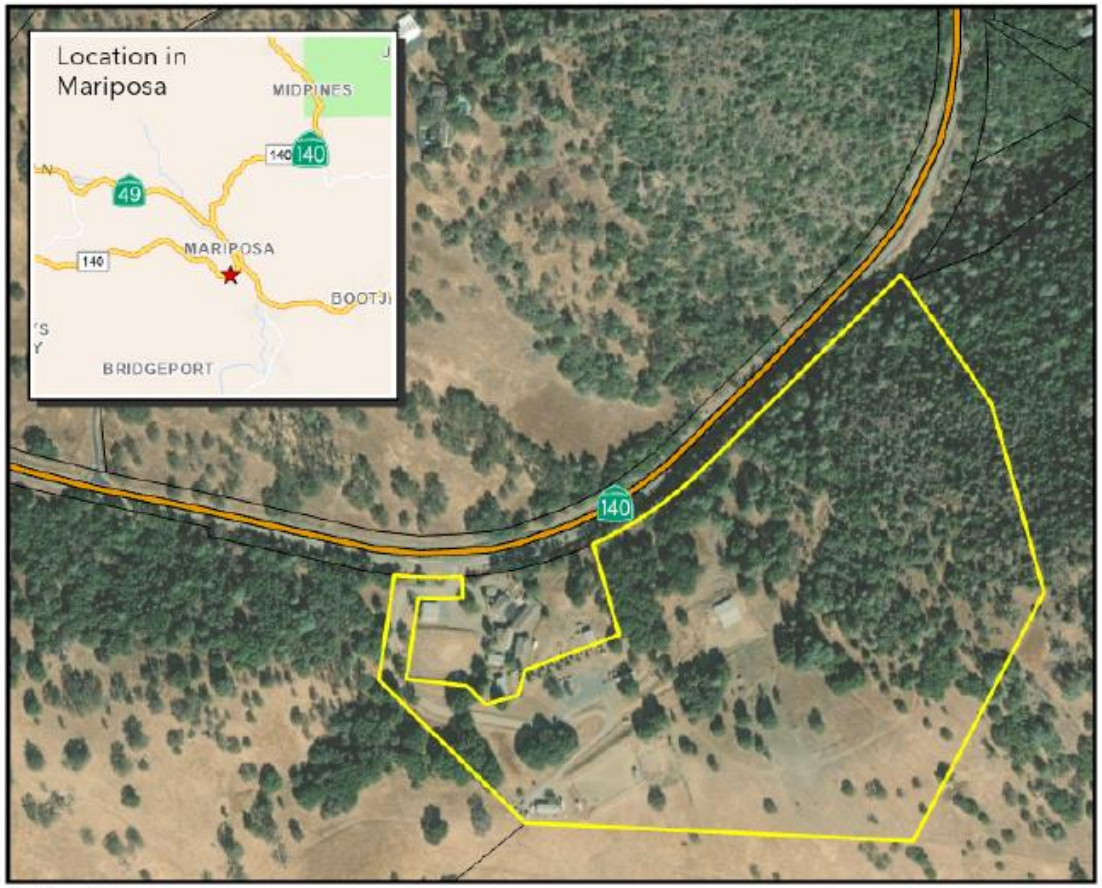
- The project involves one parcel APN 013-020-034
- 4808 Highway 140, Mariposa, CA

- Project site is a 36.31-acre site

- Required Project Actions-

- Commercial Industrial Manufacturing Plan (CIM) and CEQA Determination (Mitigated Negative Declaration)
  - Planning Commission recommendation to the Board of Supervisors

Project Vicinity Map



0 100 200 Feet
1:4,800

Site
Assessor's Parcels

PROJECT TYPE: cim 2021-124

APPLICANT: CalCamp2 LLC dba Wildhaven Yosemite

APN's: 012-180-0560-

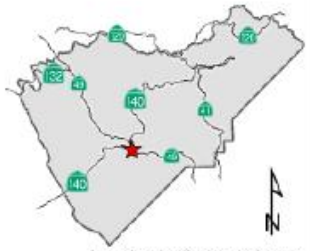
SITE ADDRESS: 4808 CA-Hwy 140 Mariposa

Coordinate System: NAD 1983 State Plane California III FIPS 0403 Feet
Date: Tuesday, July 13, 2021
Data Source: Mariposa County Planning Department GIS;
Assessor's Parcel Map Update: 02/2020

Map Credit: BEN OGREN, Sr. GIS Specialist

Mariposa County Planning Department
PO BOX 2039 5100 Bullion Street
Mariposa, California 95338-2039
209.966.5151 FAX 209.742.5024
mariposaplanning@mariposacounty.org
http://www.mariposacounty.org/planning

Mariposa County makes no warranty regarding the accuracy of the GIS or the analysis and conclusions resulting from using our GIS data.



Location in Mariposa County

Attachment: PPT Presentation (RES-2022-29 : Commercial-Industrial-Manufacturing (CIM)

Project Description-Phase I

- 40 - wood tent platforms with canvas tents - 10 x 20 (120sf) and 12 x 24 (288 sf)
  - Estimated occupancy 100 guests at 2.5 average per tent
- Communal Bath House for both phases 12 x 60 (720 SF)
  - 10 shower stalls and 8 toilets
- New Public Water Well to serve the project
- New Septic System to serve the project
- 50,000 Gallon Water Storage Tank (Fire and Domestic Back-Up)

Attachment: PPT Presentation (RES-2022-29 : Commercial-Industrial-Manufacturing (CIM)

Project Description-Phase I

- Automatic Gate with emergency fire access
- Non-permanent Propane Fire Pits at premium tents and One common area non-permanent fire pit (that may use wood fuel in the winter)
- Project proposes the use of the existing mobile office trailer for a Reception Office, and Retail (store)
  - Retail for Wildhaven Brand products, incidentals, snacks and drinks (including beer and Wine) for guests

Project Description-Phase II

- Additional 40 tent platforms and tents using the same Phase I specifications.
- Total tent capacity up to 80
  - Which would serve 200 guests at full occupancy (assuming 2.5 average guests per tent).
- Provide a portable bathroom trailer.
- Project may incorporate the existing zipline amenity into the campground for the sole use of the guests.

Project Description-Overall

- Hours of operation- 24 hours, check in 3-7 pm.
- Employees- 10
  - Manager to live in on-site existing residence
  - Three (3) maintenance staff may live in RV's on-site if permitted through HCD. Remaining 6 would be desk and housekeeping.
- Number of anticipated customers
  - 200 maximum daily
- Parking
  - Existing 40 parking spaces
  - Proposed 42, resulting final parking of 82 spaces

Project – Practical Concerns

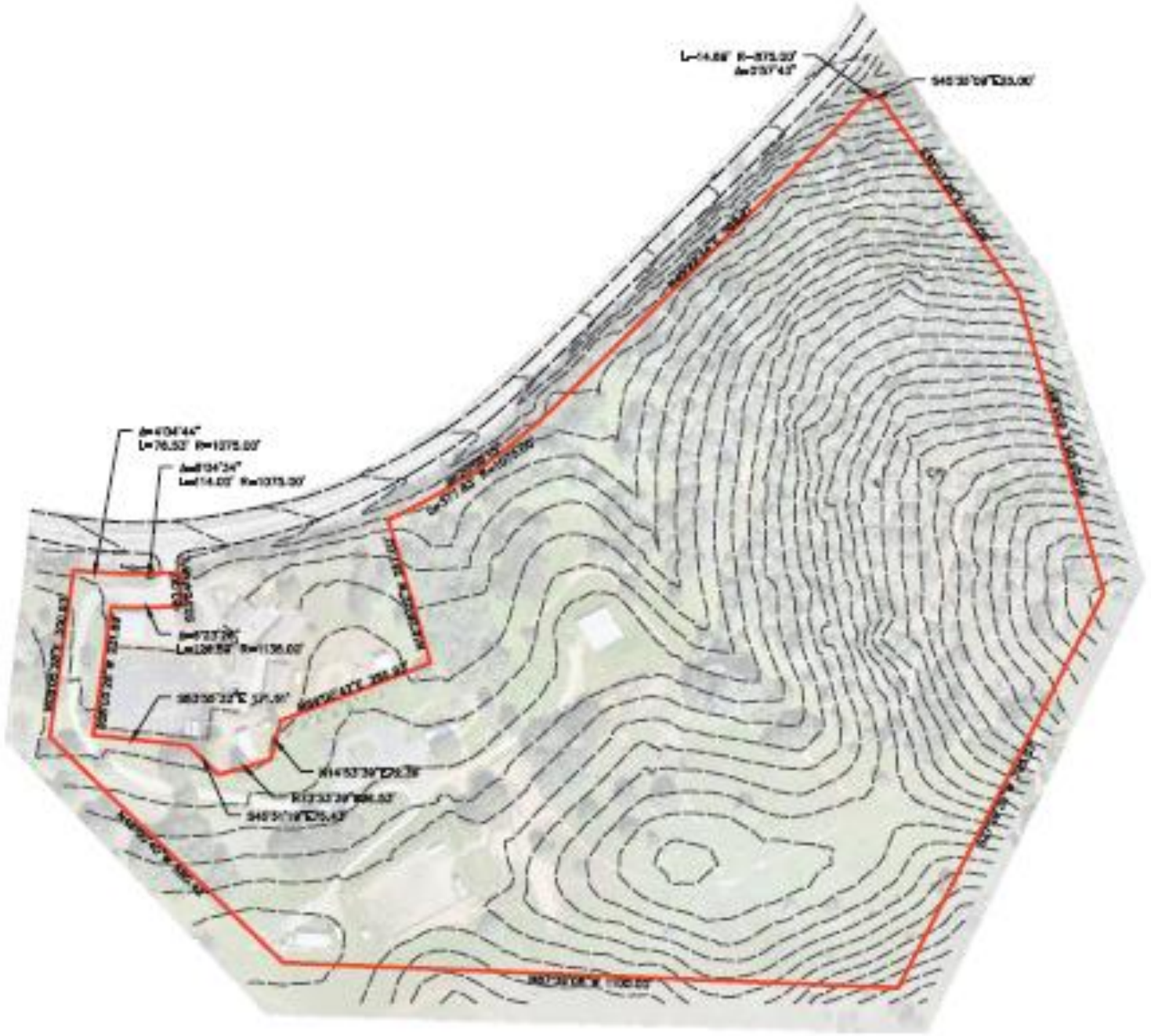
- Access – Primary Access via an existing driveway connected to State Hwy 140.
  - Access to the site 24- wide gravel surface road. Internal access routes to tent areas are proposed as one way with gravel surface.
  - Access must meet state firesafe and local standards and Special Occupancy Parks Standards Cal. Code Regs. tit. 25 § 2106.
- Permitting and Operation
  - Special Occupancy Park and is subject to all applicable development and operational standards contained in Title 25, Chapter 2.2 – Special Occupancy Parks, California Code of Regulations.

Project Description-Overall

- Permitting and Operation
  - Permitted and monitored by the California Housing and Community Development Department.

- Water Supply
  - The applicant proposes to drill a well on the site to serve the bathhouse and restroom facilities.

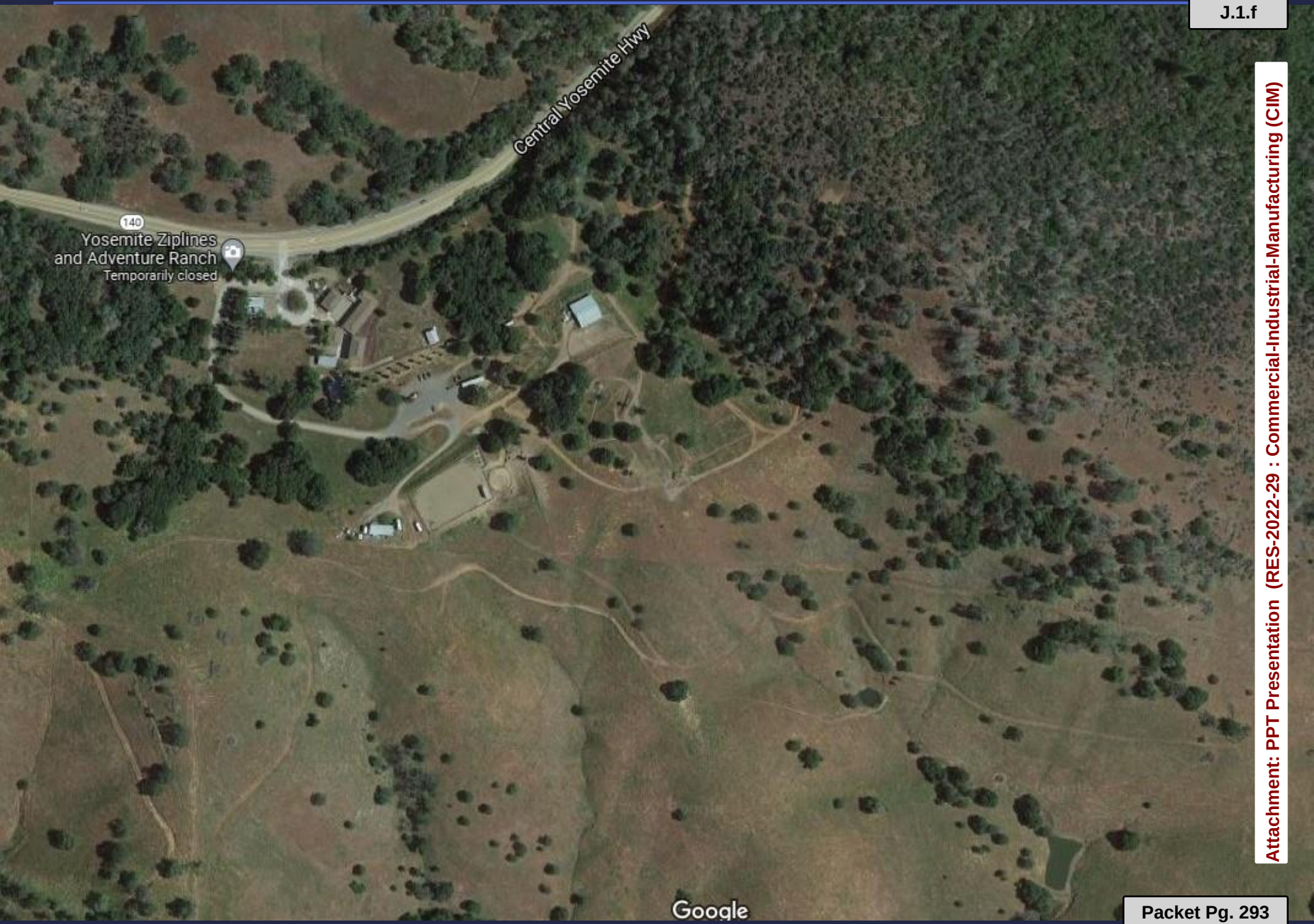
  - Should the project provide drinking water from the on-site well to the proposed number of guests, it will be required to obtain a transient, non-community water system permit from the California Department of Public Health, Division of Drinking Water and Environmental Management.

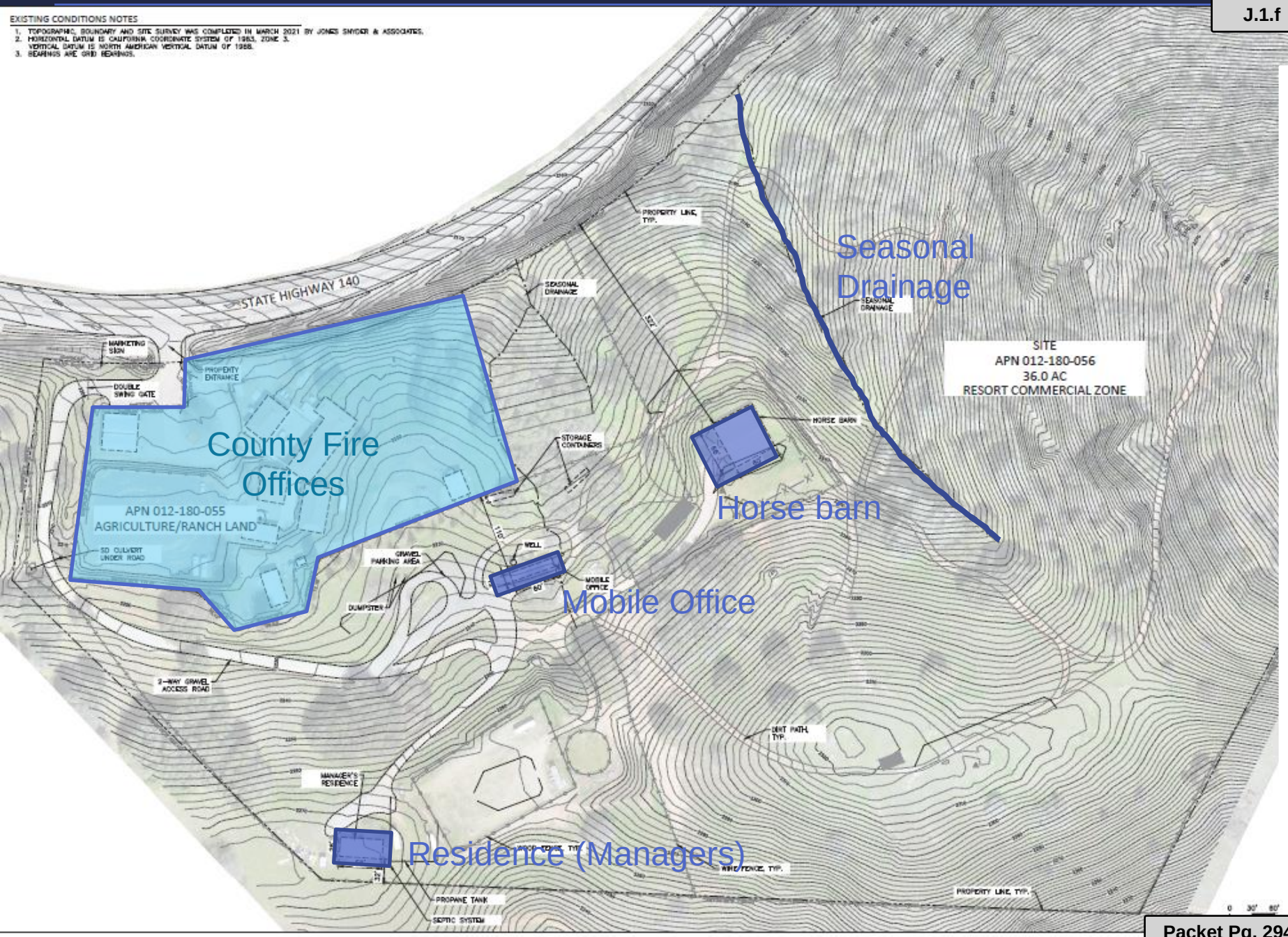


SCALE: 1

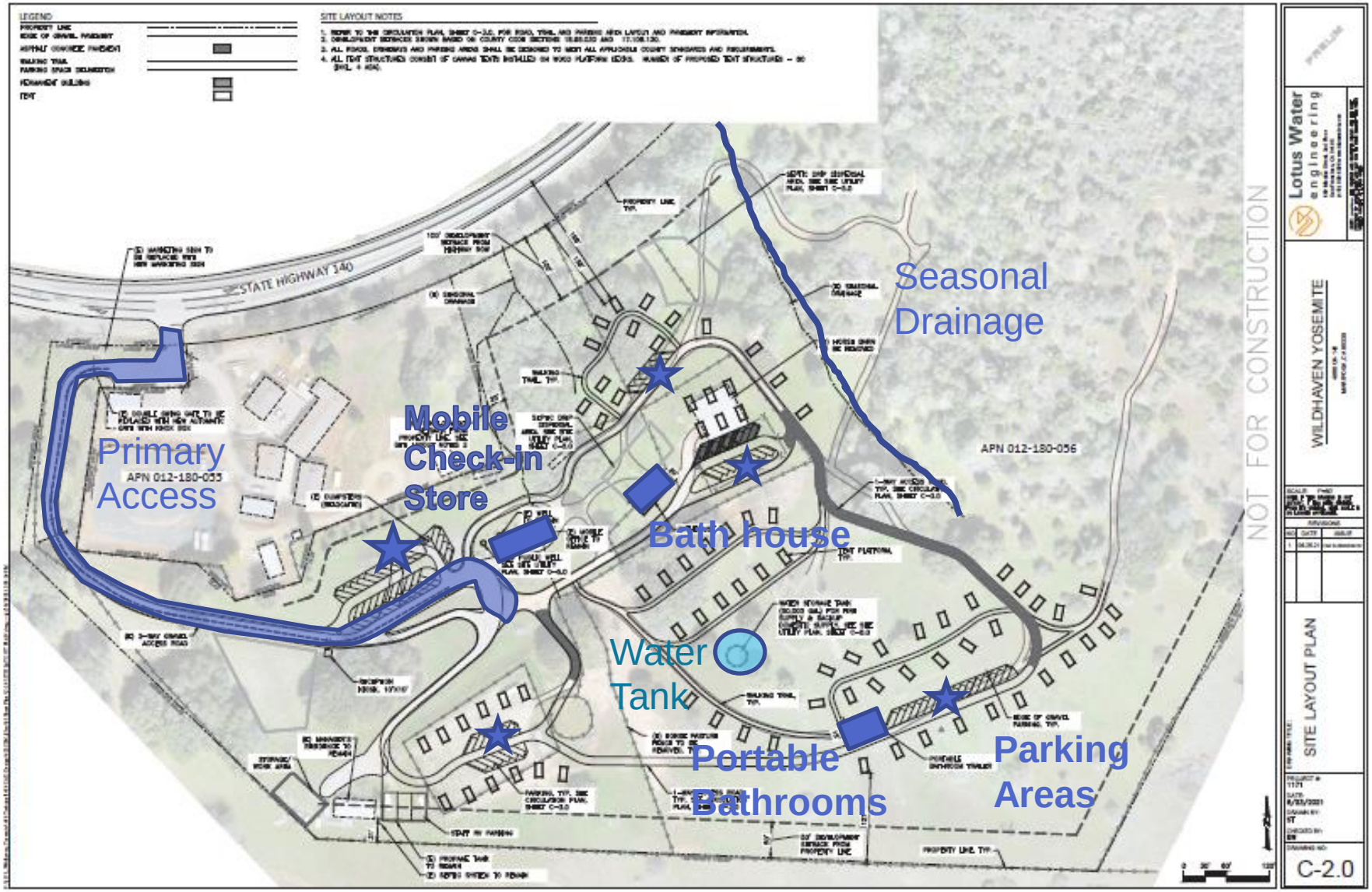
Attachment: PPT Presentation (RES-2022-29 : Commercial-Industrial-Manufacturing (CIM)


140
Central Yosemite Hwy
140
Central Yosemite Hwy
140
Yosemite Ziplines
and Adventure Ranch
Temporarily closed
4802

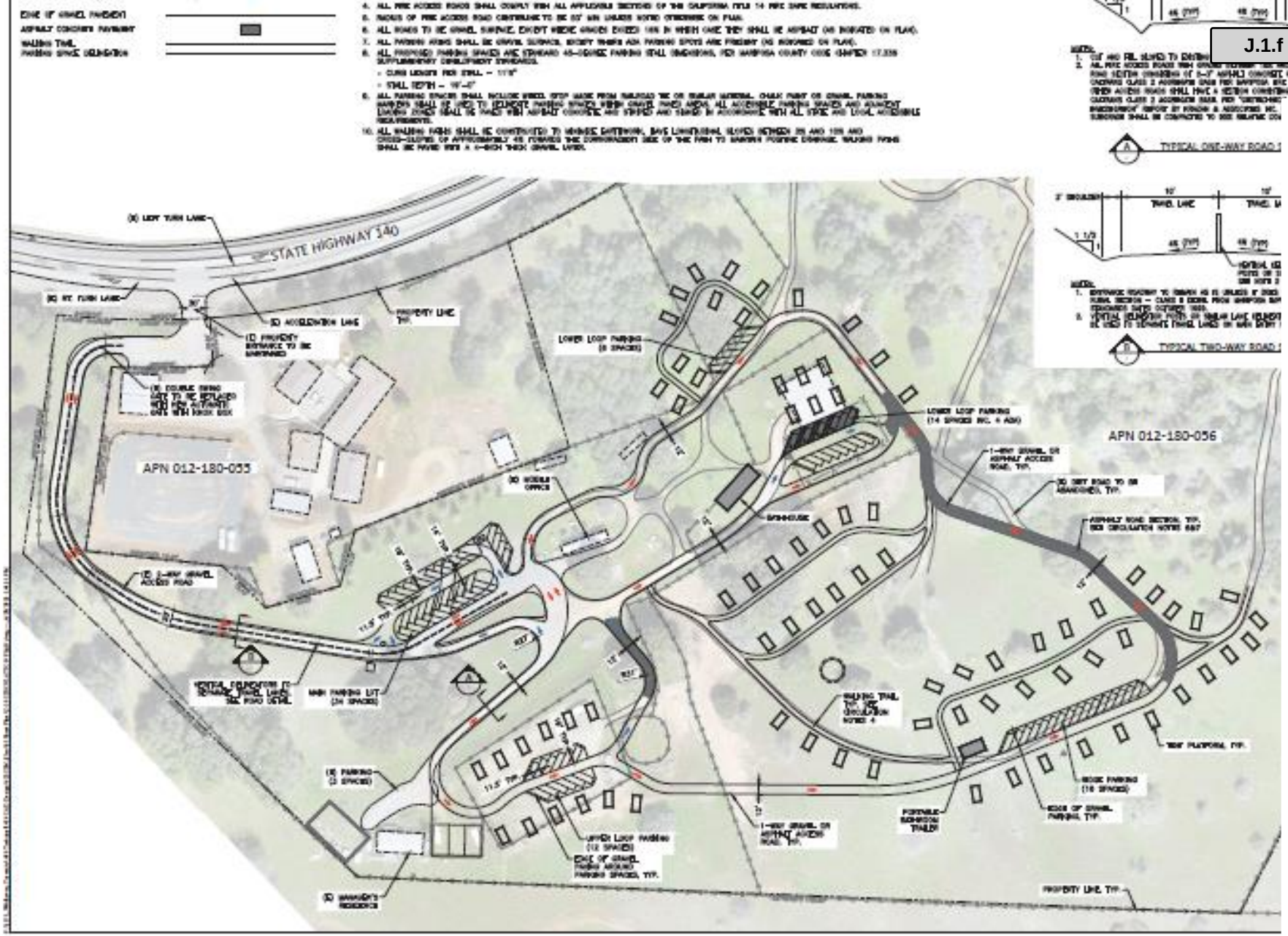

Central Yosemite Hwy
140
Yosemite Ziplines
and Adventure Ranch
Temporarily closed
Google



Attachment: PPT Presentation (RES-2022-29 : Commercial-Industrial-Manufacturing (CIM)



Attachment: PPT Presentation (RES-2022-29 : Commercial-Industrial-Manufacturing (CIM)



Attachment: PPT Presentation (RES-2022-29 : Commercial-Industrial-Manufacturing (CIM)

PROPERTY TO SERVE A NEW COMMUNITY WATER SYSTEM. THIS PLAN SHOWS THE APPROXIMATE PROPOSED LOCATION OF THIS NEW WELL.

2. PER THE 2004 WELL COMPLETION REPORT FOR THE EXISTING WELL SERVING THE PROPERTY, THE 200-FT DEEP WELL YIELDS AN ESTIMATED 30 GAL/MIN. PER THE 2019 WELL COMPLETION REPORT FOR THE EXISTING WELL SERVING THE ADJACENT PROPERTY AT 4555546 YAQUI GULCH RD, THAT 500 FT WELL YIELDS AN ESTIMATED 100 GAL/MIN.
3. PER THE ONGOING WATER QUALITY MONITORING REPORTS FOR EXISTING WELL SERVING THE ADJACENT PARCEL (SPRING HILL FACILITY), THAT WELL CONSISTENTLY PRODUCES WATER OF SUFFICIENT QUALITY FOR A PUBLIC WATER SYSTEM.
4. THE PROJECT'S ESTIMATED WATER DEMANDS ARE AS FOLLOWS:

PROPOSED USE	NUMBER OF PEOPLE	DESIGN GPD (PER PERSON)	TOTAL GPD
TENT OCCUPANTS	200	25	5,000
EMPLOYEES (FULL TIME ON SITE)	4	50	200
EMPLOYEES (FULL TIME OFF SITE)	1	10	10
EMPLOYEES (PART TIME OFF SITE)	5	10	50
		TOTAL WATER USE	5,260

(E) ELECTRIC LINES
FIRE WATER LINES
FIRE HYDRANT
SANITARY FORCE MAINS
SANITARY LINES
GRAVITY WATER AUGMENTATION LINE
DOMESTIC WATER LINES
(E) DOMESTIC WATER LINES
PROPERTY LINE

ELECTRICAL NOTES

1. THE LOCATION OF EXISTING ELECTRICAL INFRASTRUCTURE SHOWN IS VERY APPROXIMATE AND SHALL BE VERIFIED PRIOR TO FINAL DESIGN.
2. 2. PROPOSED OUTDOOR SITE LIGHTING SHALL CONSIST OF BUILDING-MOUNTED LIGHT FIXTURES (AT BATHHOUSE AND BATHROOM TRAILER) AND MINOR SOLAR PEDESTRIAN LIGHTS PLACED ALONG WALKING TRAILS AND ROADS.

TESTING AND SEPTIC DESIGN LETTER" BY KRAZAN & ASSOCIATES, INC. DATED JUNE 4, 2021:

TYPE OF OCCUPANCY	MAX. NUMBER OF PEOPLE	DESIGN WASTEWATER FLOW (GPD PER PERSON)	TOTAL WASTEWATER FLOW (GPD)
CAMPGROUND WITH CENTRAL COMFORT STATION	200	35	7,000
STAFF LIVING ONSITE IN RECREATIONAL VEHICLES	3	75	225
STAFF LIVING OFFSITE	6	20	120
ESTIMATED TOTAL DAILY PEAK WASTEWATER FLOW (GPD)			7,345

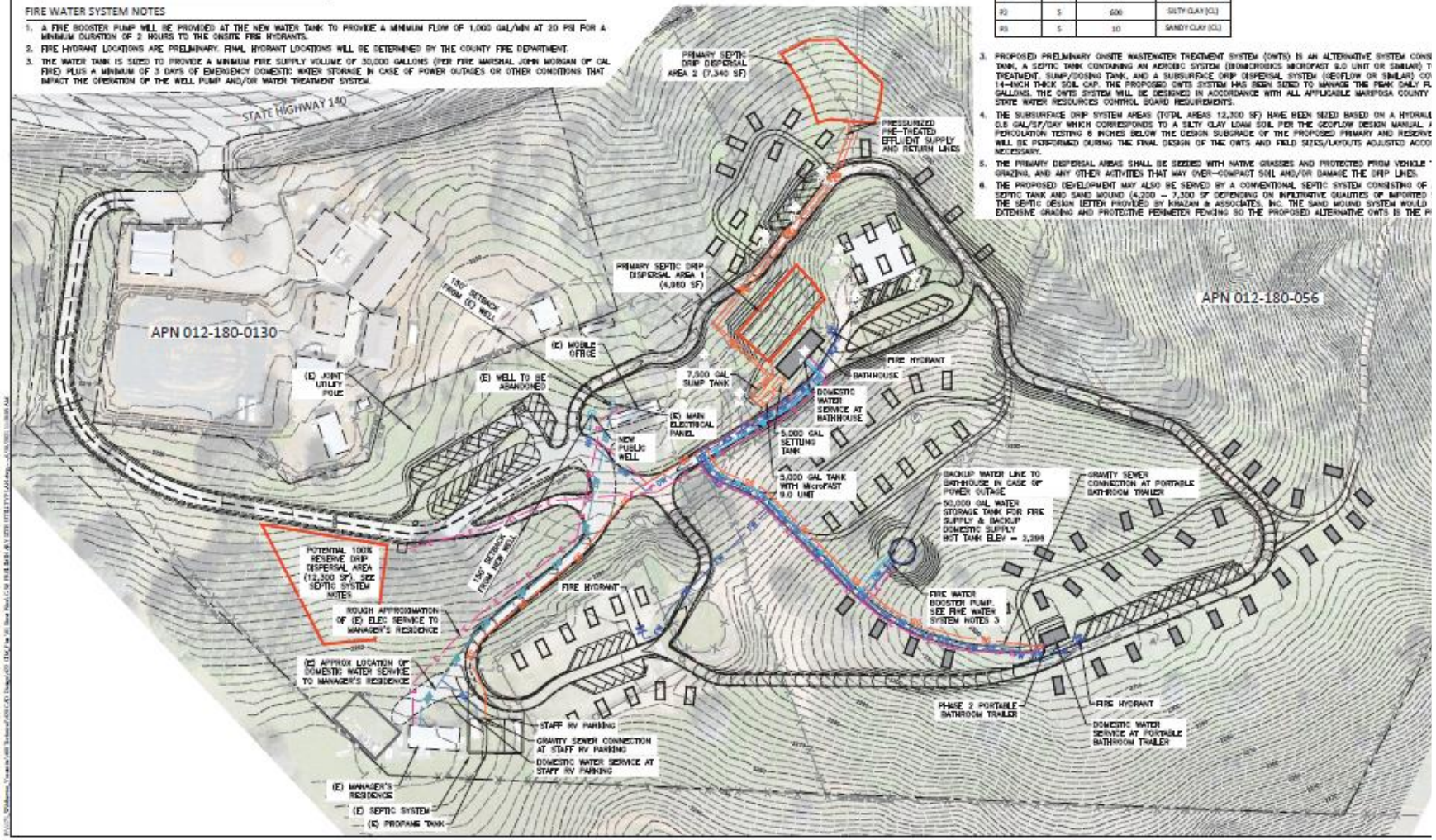
2. INITIAL PERCOLATION TESTS PERFORMED AT THE LOCATIONS INDICATED ON THE PLAN BY KRAZAN & ASSOCI 2021 YIELDED THE RESULTS SHOWN BELOW. GROUNDWATER WAS NOT ENCOUNTERED WITHIN THE MAXIMUM 16 FEET BELOW GROUND SURFACE.

TEST NO.	DEPTH (FEET)	PERCOLATION RATE (MIN/IN)	SOIL TYPE
P1	4	171	SANDY CLAY (CL)
P2	5	600	SILTY CLAY (CL)
P3	5	10	SANDY CLAY (CL)

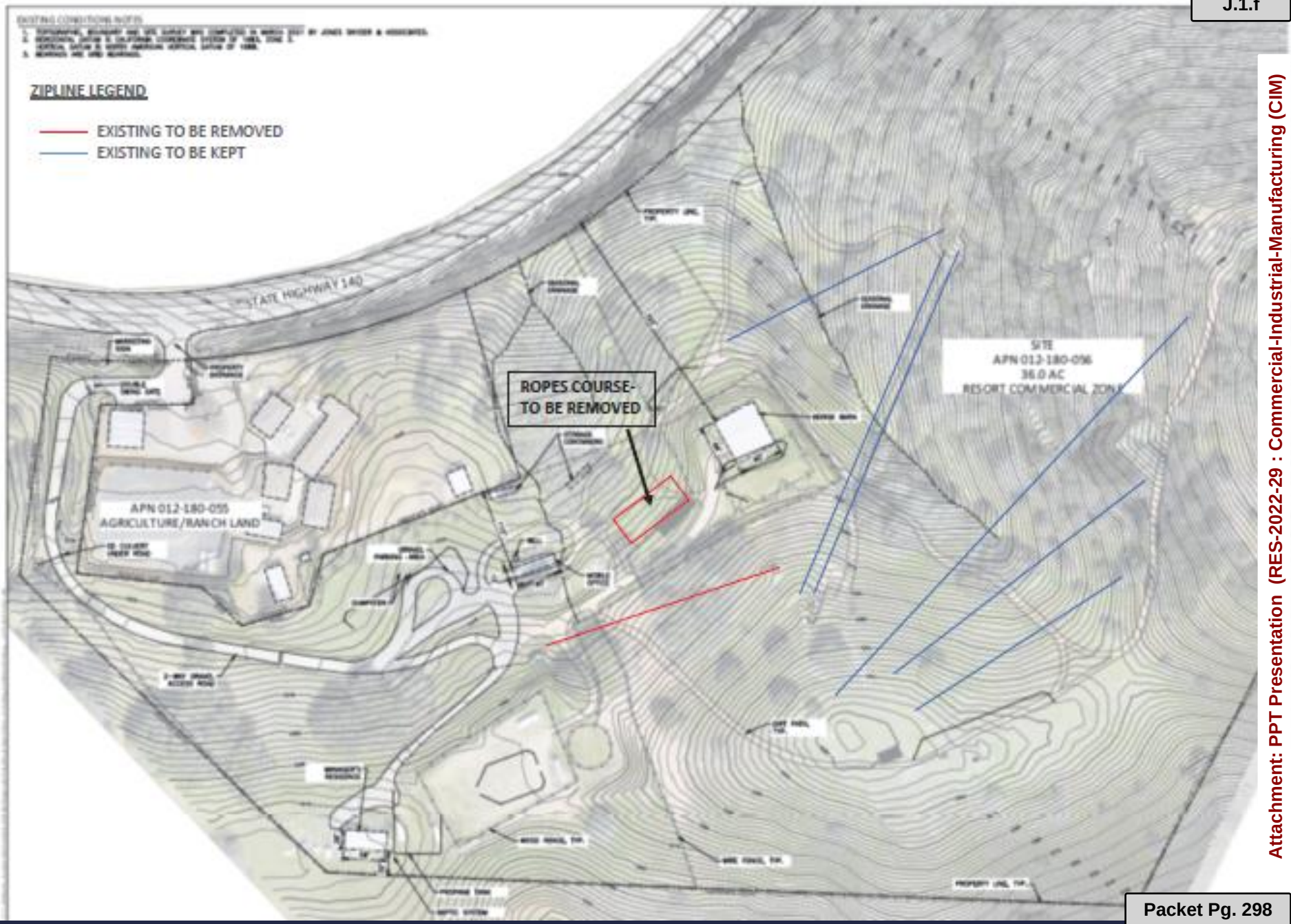
3. PROPOSED PRELIMINARY ONSITE WASTEWATER TREATMENT SYSTEM (OWTS) IS AN ALTERNATIVE SYSTEM CONS TANK, A SEPTIC TANK CONTAINING AN AEROBIC SYSTEM (BIOMICROBICS MICROFAST 5.0 UNIT OR SIMILAR) T TREATMENT, SUMP/DOSING TANK, AND A SUBSURFACE DRIP DISPERSAL SYSTEM (GEOFLOW OR SIMILAR) CO 14-INCH THICK SOIL CAP. THE PROPOSED OWTS SYSTEM HAS BEEN SIZED TO MANAGE THE PEAK DAILY FL GALLONS. THE OWTS SYSTEM WILL BE DESIGNED IN ACCORDANCE WITH ALL APPLICABLE MARIPOSA COUNTY STATE WATER RESOURCES CONTROL BOARD REQUIREMENTS.
4. THE SUBSURFACE DRIP SYSTEM AREAS (TOTAL AREAS 12,300 SF) HAVE BEEN SIZED BASED ON A HYDRAUL 0.6 GAL/SF/DAY WHICH CORRESPONDS TO A SILTY CLAY LOAM SOIL PER THE GEOFLOW DESIGN MANUAL. A PERCOLATION TESTING 6 INCHES BELOW THE DESIGN SUBGRADE OF THE PROPOSED PRIMARY AND RESERVE WILL BE PERFORMED DURING THE FINAL DESIGN OF THE OWTS AND FIELD SIZES/LAYOUTS ADJUSTED ACCO NECESSARY.
5. THE PRIMARY DISPERSAL AREAS SHALL BE SEEDED WITH NATIVE GRASSES AND PROTECTED FROM VEHICLE GRAZING, AND ANY OTHER ACTIVITIES THAT MAY OVER-COMPACT SOIL AND/OR DAMAGE THE DRIP LINES.
6. THE PROPOSED DEVELOPMENT MAY ALSO BE SERVED BY A CONVENTIONAL SEPTIC SYSTEM CONSISTING OF SEPTIC TANK AND SAND MOUND (4,200 – 7,300 SF DEPENDING ON INFILTRATIVE QUALITIES OF IMPORTED THE SEPTIC DESIGN LETTER PROVIDED BY KRAZAN & ASSOCIATES, INC. THE SAND MOUND SYSTEM WOULD EXTENSIVE GRADING AND PROTECTIVE PERIMETER FENCING SO THE PROPOSED ALTERNATIVE OWTS IS THE P

FIRE WATER SYSTEM NOTES

1. A FIRE BOOSTER PUMP WILL BE PROVIDED AT THE NEW WATER TANK TO PROVIDE A MINIMUM FLOW OF 1,000 GAL/MIN AT 20 PSI FOR A MINIMUM DURATION OF 2 HOURS TO THE ONSITE FIRE HYDRANTS.
2. FIRE HYDRANT LOCATIONS ARE PRELIMINARY. FINAL HYDRANT LOCATIONS WILL BE DETERMINED BY THE COUNTY FIRE DEPARTMENT.
3. THE WATER TANK IS SIZED TO PROVIDE A MINIMUM FIRE SUPPLY VOLUME OF 30,000 GALLONS (PER FIRE MARSHAL JOHN MORGAN OF CAL FIRE) PLUS A MINIMUM OF 3 DAYS OF EMERGENCY DOMESTIC WATER STORAGE IN CASE OF POWER OUTAGES OR OTHER CONDITIONS THAT IMPACT THE OPERATION OF THE WELL PUMP AND/OR WATER TREATMENT SYSTEM.



Attachment: PPT Presentation (RES-2022-29 : Commercial-Industrial-Manufacturing (CIM)



NOT FOR CONSTRUCTION

Attachment: PPT Presentation (RES-2022-29 : Commercial-Industrial-Manufacturing (CIM)

Project- Consistency with Code

- Consistency with Resort Commercial Zone Standards -Chapter 17.96 of Title 17, Zoning Ordinance
  - Far less than 10 campsites per acre allowed by code (36 acres x 10 = 360, Proposed Project is 80)
  - Proposed retail is accessory to the campground is allowed per Resort Commercial Zoning
  - Parking meets the requirements
  - Meets 40% open space as even much of the developed area is open space.
  - Proposed project is consistent with the Resort Commercial Requirements

Agency Review & CEQA

- Comment requests on the project were conducted on multiple occasions through the project application and evaluation process including the following:

- Mariposa County Public Works, Mariposa County Environmental Health Unit, Mariposa County Fire Department, Mariposa County Assessor, California the American Indian Council of Mariposa County, Mariposa County Unified School District, CALFIRE, Pacific Gas & Electric, Sierra Telephone.

- Initial Study Routed to State Office of Planning and Research, State Clearinghouse for State Agencies Review

Agency Review

- Agency Review and comments detail are included in the Planning Commission agenda packet which incudes the project staff report and initial study.

- The project staff report, initial study, recommended project findings, conditions and mitigation measures address the comments from various agencies and Departments participating:
  - Mariposa County Public Works, Caltrans, Mariposa County Fire Department, CALFIRE, CDFW, Building Department Mariposa County Health Department, State Water Board Surface Water and Division of Drinking Water.

Attachment: PPT Presentation (RES-2022-29 : Commercial-Industrial-Manufacturing (CIM)

Project- CEQA and Conditions of Approval

- Purpose of CEQA:
  - Evaluate project's environmental effects
  - Reduce significant impacts where feasible
  - Public disclosure
  - Informed decision making

- The project is subject to review pursuant to CEQA and an Initial Study and Mitigated Negative Declaration (MND) were prepared pursuant to CEQA (Public Resources Code [PRC] Section 21000, et seq.) and the State CEQA Guidelines (California Code of Regulation, Title 14, Chapter 3, Section 1500, et seq.).

Environmental Resources Evaluated

- Land Use and Forest Resources
- Biological Resources
- Cultural Resources
- Transportation and Circulation
- Air Quality
- Greenhouse Gas Emissions
- Noise
- Geology, Soils, and Seismicity
- Hydrology and Water Quality
- Utilities/Public Services
- Hazards and Hazardous Materials
- Visual Resources
- Cumulative Impacts

Environmental Resources- Evaluated

- Biological Resources
- Cultural Resources
- Noise
- Hydrology and Water Quality

Attachment: PPT Presentation (RES-2022-29 : Commercial-Industrial-Manufacturing (CIM)

Additional Concerns

- Fire
  - The project must meet Fire requirements as applicable by CAFLIRE, County Fire and HCD.
  - A Fire Hazard Management Plan approval is required for the life of the project.
- Lighting
  - All lighting Must meet International Dark Sky Requirements
- Signage
  - Requires a Design Review Application and CALTRANS review

Public Noticing and Comment

Prior to the Board of Supervisors public hearing Public noticing was conducted as follows:

- **December 21, 2021** - *Mailed* to property owners within 2500 feet of the proposed project site
- **December 21, 2021-** *Posted* at courthouse, Planning Department, and on the Planning Department's website.
- **December 30, 2021-** *Published* in the Mariposa Gazette Notices

No Public Comments were received prior to preparation of this presentation.

Conclusion and Recommendation

The Planning Commission recommends that the Board of Supervisors adopt a resolution :

1. Adopting a Mitigated Negative Declaration; and

2. Approval of Commercial-Industrial-Manufacturing (CIM) Plan No. 2021-124 for Wildhaven Yosemite, an 80-unit Glamping Project, with Findings, Conditions, and Mitigation Measures.

MARIPOSA COUNTY

Administration · 966-3222

MEETING: January 11, 2022

TO: The Board of Supervisors

FROM: Dallin Kimble, County Administrative Officer

RE: Housing Market Trends and Priorities Discussion

RECOMMENDATION AND JUSTIFICATION:
Discussion and Direction Regarding Housing Development Priorities and Trends.

The attached memorandum outlines relevant housing policies, provides analysis of the local housing market, restates the County's role in housing development, provides a progress update on County housing goals, and highlights several opportunities and challenges for housing development now and in the near future. Staff is seeking discussion of these items and any others the Board may be interested in pursuing at this time.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
June 19, 2018: Board of Supervisors adopted Resolution 2018-292 approving the Comprehensive Housing Program Implementation Study

November 20, 2018: Board of Supervisors adopted a Resolution approving a Housing Coordinator position

RES-2019-49 August 20th 2019. General Plan Housing Element Adoption and State Certification

The Board has discussed housing on several occasions as a top priority in Mariposa County.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
N/A. No action is being taken with this item.

ATTACHMENTS:
211230 Housing Memo_2022(2) (PDF)
PowerPoint Presentation: MAR_State of Housing, 11 Jan 2022 (PDF)
J.2 - PUBLIC COMMENT from Allison Tudor (PDF)
J.2 - PUBLIC COMMENT from Lorraine Freeman (PDF)
J.2 - PUBLIC COMMENT from Michael Bourdaa (PDF)
J.2 - PUBLIC COMMENT from Ross Wilkinson (PDF)

Agenda Item - No Resolution Requested

J.2 - PUBLIC COMMENT from Warren Gray (PDF)
J.2 - PUBLIC COMMENT from Hal Nolen (PDF)
J.2 - PUBLIC COMMENT from Jennifer Smith (PDF)
J.2 - PUBLIC COMMENT from Stacy Gray (PDF)
J.2 - PUBLIC COMMENT from Melinda Abeles (PDF)

RESULT: DIRECTION GIVEN

DALLIN KIMBLE
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To: Board of Supervisors

From: Dallin Kimble, County Administrative Officer
Ben Goger, Housing Specialist

Date: January 11, 2022

Subject: Housing Priorities and Trends

The Mariposa County Strategic Plan calls for "the development of a range of workforce, multi-family, multi-use and multi-generational housing and neighborhoods" (MSP 5.2). Likewise, the Mariposa County Housing Element to the General Plan, adopted in the summer of 2019, establishes ten key policies, listed below, that direct the work of County housing efforts. This memo is intended to inform the Board of changes in the world of housing development, the County's role and programs, progress toward the direction that has been given, and the challenges and opportunities that still lie ahead of the County's housing goals.

Housing Policies

The Mariposa County Housing Element (8.6.03) states that the Board of Supervisors will make every effort possible to achieve the following:

A. An adequate number of housing units to meet the needs of its citizens.

B. Housing that is affordable to all economic segments of the community.

C. Adequate facilities available to support future housing needs.

D. Housing units available to serve persons with special housing needs.

E. Rehabilitation of housing stock and replacement of housing units in need of replacement.

F. Promoting regular maintenance of housing as a means of conserving existing housing stock.

G. Strategies and actions to increase homeownership opportunities through economic development.

H. Assistance to citizens in need of short-term emergency housing.

I. Prevention of discrimination in housing.

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J. Citizen participation as part of the housing element preparation and revision process and maintenance of consistency between all policies of the General Plan.

K. Collaboration with the National Park Service, it's partners and its concessioners—major providers and consumers of the County's public and private housing stock—to address mutual housing challenges and opportunities.

Local Housing Market Analysis

Mariposa County's housing inventory is lower than market demand, leading to increasing rental values and home prices. These conditions, which also exist outside of Mariposa County, are contributing to a growing debt burden for workers and fewer available workers overall. New construction is not meeting the increased demand resulting in a net loss in population.

Median home sales price provides an illustrative example of changes in the larger housing market. Data from the California Real Estate Multiple Listing Service (MLS) shows that the median home sale price in Mariposa County has risen 36 percent (36%) in just the last three years.

Year of Sale	Average home sale CRMLS	Median home sale CRMLS	Listings
2014	$289,692	$217,000	139
2015	$286,836	$232,000	162
2016	$278,561	$238,000	231
2017	$297,723	$240,000	202
2018	$344,799	$293,000	170
2019	$337,641	$300,000	189
2020	$381,134	$340,000	217
2021	$490,661	$408,450	178

According to a 2019 data from the California Department of Finance, the average Mariposa resident can afford a home purchase cost up to $284,000. This is to say that homeownership was already out of reach for the average Mariposan in 2019 when 44.6 percent (44.6%) of County renters and 26 percent (26%) of homeowners spent more than 30 percent (30%) of their income on housing. This debt burden has only increased since 2019, threatening some households' ability to meet basic needs and forcing others to leave the community or become homeless.

The shortage of available housing has a domino effect on other aspects of the economy. Local employers increasingly cite a lack of housing as a primary challenge in their ability to recruit and retain employees from dishwashers to doctors and park rangers to probation officers. Investors and prospective employers have expressed concerns or hesitancy to invest in Mariposa because they cannot find or house workers. The County itself has lost several qualified candidates due to a lack of affordable housing and some employers have had to reduce services or permanently close because of staffing shortages related to housing issues.

Many factors are contributing to the rapid growth in local home values. Remote work, lower home values than other parts of California, generational changes in values, low interest rates, limited new development and growing interest in vacation rentals as

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investment properties are pronounced in Mariposa, but dramatic changes in home prices are occurring around the country and the world. The same factors are contributing to something bigger than a local housing spike: the nationalization and globalization of our housing market.

In the past, house prices and rental rates were determined by the supply, the turnover of residents moving in and out, and local wages or the ability of local workers to pay. Today, a worker desiring to live in a rural setting near Yosemite can bring their wage and work remotely. Investors across the globe can buy properties as investments without leaving home. In essence, there's no such thing as a local housing market—all markets are national or even international. According to Mark Haggerty at the Center for American Progress, home prices are decoupling from the local economy as global wealth increases and rural property values being captured elsewhere.

Development of new homes is similarly divided. New development is complicated by residential building codes and fire safe regulations, a lack of available infrastructure, rising building material costs, a shortage of skilled labor, and few flat or easily developed properties. The average Mariposan is unable to afford the costs associated with a new home, so it is no surprise that the County's Regional Housing Needs Assessment Annual Progress report shows very few homes built for households making 30% to 120% of our average monthly income (AMI). What is being constructed is either heavily subsidized, like the handful of homes built by the County's Habitat for Humanity affiliate,or built by those with higher incomes often as second homes or vacation rentals that are unavailable to meet community needs.

While global investors are gobbling up available inventory, residential turnover nationwide is slowing. Baby boomer retirees aren't selling and downsizing as previous generations have. Instinctively, amid the pandemic threat, fewer people are willing to leave home or move away from family and familiarity. Millennials are starting to have families and look for homes in suburban and rural areas still occupied by prior generations. All of these trends existed prior to the pandemic, but each has accelerated in the last two years and their confluence is resulting in rapidly increasing rental rates and home prices.

The County's Role in Housing Development

Mariposa County is not a housing developer. Staff have been assigned to assist private developers and facilitate development within established regulations; to oversee programs to assist owners and renters; to lobby for legislative changes; to help secure funds for nonprofit housing developers; and to maintain available infrastructure. State law requires that Mariposa County provide adequately zoned sites for development of housing as well.

Progress Toward Housing Goals

Staff has continued or begun several programs to achieve the Board direction outlined in the above policies. These include the following:

Low Income Housing Development
The Creekside Terrace project is an example of how partnerships with nonprofits and leveraging state and federal grants can jumpstart the County's housing stock. This project was able to leverage over five million dollars ($5,000,000) in grant funds. The 42

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additional housing units targeted for households making 60% or less of Mariposa's average monthly income (AMI) represent the end of a 24-year dry spell in the development of affordable multi-family housing.

There is still room for growth in the County's low-income market. Currently all subsidized housing units are full with waiting lists, which does not allow for the use of Section 8 Housing Choice Vouchers (subsidies) that are available to the community.

As noted in the 2018 Comprehensive Housing Programs Implementation Study and the 2019 Housing Element, nonprofit partnerships will continue to be an important strategy as long as housing remains a priority in state and federal budgets. Grant funds are often targeted to serve households up to 80% AMI, which includes 49% of Mariposans. These partnerships expand the housing market, bring down rental rates, develop surrounding infrastructure, provide housing for workers, and contribute to other community economic, public safety and environmental goals.

Integrated Homeless Housing
Housing units that provide temporary shelter for those who have lost housing coupled with rapid rehousing services have proved effective means to keep residents connected to the community fabric. Permanent supportive units can provide long-term support for County residents needing assistance with physical, behavioral or mental health needs. When these permanent supportive units are integrated into the social strata there is a higher success rate for disadvantaged residents to overcome social integration challenges and provide financial incentives that can be leveraged into the larger capital cost of development.

The Creekside Terrace was able to leverage over two million dollars ($2,000,000) in a No Place Like Home Grant to establish eleven (11) units within the housing development that serve the homeless population. Funding for housing solutions that address the homeless population has become a state priority and significant grant and other funding opportunities are on the horizon.

The County is also actively pursuing an HDAP (Housing, Disability Advocacy Program) grant and a Homekey project that will provide capital improvement funds to rehabilitate housing for the most vulnerable community members.

Upward Mobility Grant Opportunities
In 2021, First Time Homebuyer Assistance grant funds were awarded to the County through the California Home Investment Partnership Program (HOME) and Community Development Block Grants (CDBG). The County committed funding to support Habitat for Humanity of Mariposa County. HOME and CDBG funds have also been awarded to the County for an owner-occupied housing rehabilitation program. Beyond the obvious benefits of these programs, gap financing for first-time homebuyers and funding repairs for homeowners on fixed incomes contributes to a foundation for multi-generational stability and prosperity in the community.

Secondary and Accessory Dwelling Units
For decades, Mariposa County's Zoning codes have allowed secondary dwelling units on most parcels throughout the county. These codes do not restrict the size of a secondary dwelling unit or establish occupancy requirements. A secondary dwelling unit is subject to all current residential building codes.

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The County Development Services departments are dedicated in interpreting and implementing more recent California Accessory Dwelling Unit (ADU) legislation. Building and Planning Department staff have been instrumental in assisting residents in the construction of ADUs, which are a second dwelling unit on a parcel, but afforded some relaxation in current residential codes. ADUs must be used for residential occupancy and cannot be used for transient or commercial lodging.

Additionally, the County is forming a partnership with Nevada, Amador and Calaveras Counties to develop an ADU workbook for the Mother Lode region. This workbook will be an outreach and educational tool as well as a step-by-step guide to ADU construction.

Infrastructure Planning
The County is engaged in several planning efforts that will assess infrastructure enhancements for our community. The primary effort is the cooperative LAFCo expansion and Municipal Service Review(MSR) with the Mariposa Public Utility District (MPUD). This will align the MPUD service boundary to be co-terminus with the town planning area boundary and expand the MPUD sphere of influence.

The Integrated Mobility and Housing Strategies study is assessing housing and transportation related to Yosemite National Park and will provide development recommendations for workforce housing.

The Mariposa Creek Parkway Phase IV special plan will be a community engagement planning effort to develop a specific plan for 187 acres, colloquially called the “Pfremmer property,” located along the west side of Mariposa Creek within the Town Planning Area (TPA). This plan will provide environmental, infrastructure, land use and finance guidance as the County continues to develop the Mariposa Creek Parkway.

County broadband and cellular service are also a critical piece of the infrastructure needed to make the county attractive and a great place to live. The County is currently involved in regional broadband planning, the Golden State Connect joint powers authority seeking resources for rural county broadband efforts, and a grant submitted to develop a broadband plan. Staff are also connected with cellular service providers and encouraging additional connectivity and quality of services in Mariposa.

Challenges and Opportunities

With such dramatic changes in the housing market, many of the opportunities and challenges the County will face in the next five or ten years are still evolving. This memorandum will detail four high priorities here: the changing way people decide where to live, the need for infrastructure, local community housing finance, and the rapid growth of short-term rentals.

How We Decide Where to Live
It used to be that people would go wherever they could find work. Workers would live their entire lives wherever they could find employment in their youth. For communities, attracting new employers was a great way to grow—infrastructure, population and housing always followed.

That model is obsolete today. From millennials to baby boomers, most people today are deciding to live in communities based on local amenities rather than employment

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opportunities. Employers are following the workforce, choosing to locate in communities where prospective workers have settled, rather than the other way around. Communities grow first because they are great places to visit, then because they are great places to stay, and finally because people can make it work to live there.

Mariposa County is home to world-class destinations and receives more than four million annual visitors. This opportunity for growth includes an increased demand for housing, increased interest in short-term or vacation housing, changing expectations for services, and the challenge and opportunity to seek or develop medical, recreation, and other services—leveraging visitor traffic to serve the local residents—to ensure Mariposa County remains and improves as a great place to live, work and play.

The Need for Infrastructure
Just as employers are increasingly following their workforce—even into the cloud and remote work—employers and home builders typically seek to build on "shovel-ready" sites with completed grading, roads, water, sewer, power, parks and broadband. In the first place, there is competition for new housing and many other communities have such sites prepared to help defray a builder's cost; but also, rising costs of supplies and regulations often mean that projects that are not shovel ready are likewise not economically viable.

Relatively few Mariposa County residents can walk to a park or trail. Less than one percent (1%) of the land area of the county is serviced by public water and/or sewer (6,411 acres). Where these amenities overlap, few properties remain where a new home, duplex or apartment building could be constructed.

Local Community Housing Finance
To finance or subsidize housing development in support of workers, many resort communities are forming flexible housing trust funds. Local jurisdictions, joint powers authorities and nonprofits can establish parameters for such a fund that makes sense for their community. Revenues are typically generated through development impact fees, business development agreements, dedicated shares of transient occupancy taxes, or more general contributions. Local funds are often used to match and leverage outside funding. This is an opportunity Mariposa County could consider for the future.

Short Term Rental Growth
The Housing Element (Program 4.2) requires periodic review of short-term rental growth to "evaluate any potential nexus between the reduction in the County's supply of housing and the conversion of units to vacation rental units". Where a nexus is found "for any economic segment of the community," staff is directed to "consider appropriate measures to mitigate impacts."

A preliminary review of data related to short-term rentals does appear to show a nexus between the growth in short-term rentals and the County's supply of housing. Short-term rentals are a growing segment of the local economy and conversions of housing to short-term rentals are growing faster than new housing is being constructed. Though demand for these rentals remains high, conversions are no longer growing the economy overall but rather shifting business from other local businesses. In addition, short-term rentals are increasingly impacting local neighborhoods and requiring County services.

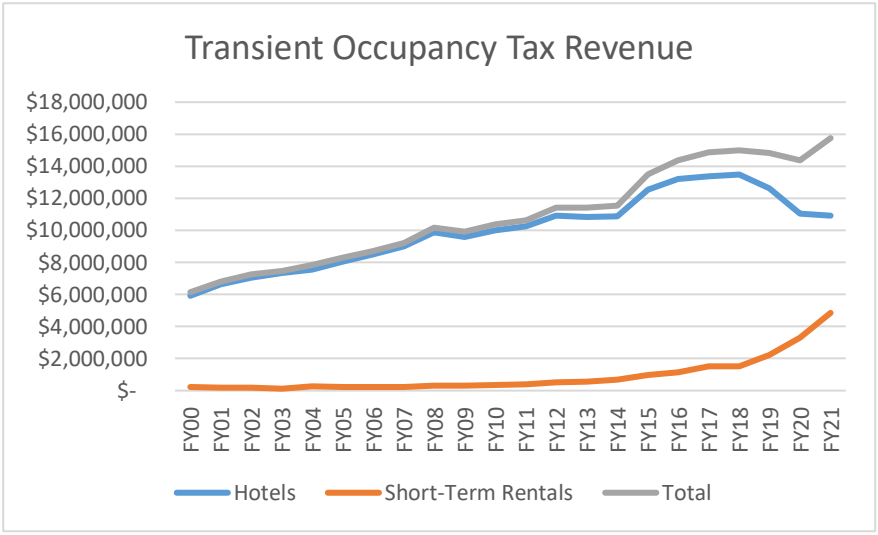
Unsustainable growth in short-term rentals is outpacing new construction. From 2000 – 2009, the County approved 243 new short-term rentals. The County added 247 short-term rentals from 2010 – 2015 and had 720 total short-term rentals at the end of 2021. Homes that would be long-term (month to month) rentals for workers are among the most likely to be converted for short-term (less than 30 days) rental uses.

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Over the same period, housing grew approximately two percent *every five years*, or by an average of about 40 homes per year. Of the 9,760 housing units in Mariposa County, 7.3 percent (7.3%) are now short-term rentals.

Year	Number of New Short-Term Rentals (STRs)	Number of New Dwelling Permits	Net Change in Available Housing (New STRs – New Dwellings)	Number of Certificates of Occupancy
2014	35	49	14	
2015	66	54	-12	
2016	74	47	-27	47
2017	64	37	-27	37
2018	72	56	-16	48
2019	71	56	-8	60
2020	39	56	17	29
2021	35			Numbers Forthcoming

It is worth noting that the recent slowdown may be more an indication of the effects of the pandemic and related to restrictions in Yosemite National Park than a change in the pace of conversions. It is also worth noting that a typical Holiday Inn Express hotel has between 60 and 80 rooms, meaning that the County added the equivalent of a new hotel each year from 2015 – 2019.



Ironically, the new hotel equivalencies have come at the expense of actual hotels, which have collectively had static or declining revenues since 2016. The County doesn't have a stated preference for short-term rentals or hotels, but should recognize that all areas are not equally ideal for tourism. Through a robust planning process, hotels have intentionally been located in denser areas close to highways, restaurants, retail, and public services like utilities and emergency response. Short-term rentals tend to be in neighborhoods, are approved with a less robust process that doesn't require mitigations for noise and other impacts, direct more visitors onto county roads with longer emergency response times, and tend to attract visitors who are more likely to bring their food and other supplies with them rather than supporting local businesses. Stated simply, short-term rentals have higher impacts and public expenses per dollar of tax revenue than the average hotel.

The opportunities and challenges related to short-term rentals are not unique to Mariposa County and many other destination locations have responded with regulatory action. A list of some of these actions is included in Appendix A.

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Citizen initiatives like South Lake Tahoe's Measure T and Pacific Grove's Measure M, both passed in 2018, have also played a role in phasing short-term rentals out of residential areas, requiring rentals to be co-located with the owner's primary residence, and putting limits on how many days a property could be rented. Both of these measures were challenged in court as violations of an owner's property rights; and in both cases, legal challenges have lost in superior court and again on appeal.

Because the issues around short-term rentals are complex, many communities considering regulatory action begin with a moratorium to allow for further study and public discussion. Outside consultants are sometimes used to speed up the process. Recommendations for discussion and possible action are then developed and considered in open meetings so the public can comment and provide additional input.

Conclusion

As local housing markets are increasingly influenced by national and international forces, prices are decoupling from local conditions and increasingly out of reach for the average Mariposa household. Significant progress is being made where partnerships provide the needed financial support: primarily in construction of housing for homeless and low-income individuals and families.

Demand for new housing in Mariposa County is strong. Additional infrastructure and financial investments, like a housing trust fund, could help open the door to housing development that will help meet that demand. It could help employers to find workers and give people who like visiting Mariposa a way to stay here and contribute to our community.

Staff is seeking direction now to confirm whether actions to date are meeting Board intentions and understand whether there are any other actions the Board is interested in pursuing at this time. Specifically, staff is seeking direction with regard to the following:

- Should staff continue to dedicate time and resources to assisting with low-income housing development, market rate housing development, integrated homeless housing, upward mobility grant opportunities like housing rehabilitation and first-time homebuyer loans, secondary and ADU planning and infrastructure planning?

- Does the Board have priorities where staff should focus time and attention?

- Is the Board interested in pursuit of a housing trust fund or other flexible local housing finance mechanisms?

- Is the Board interested in further study of short-term rentals, possibly including a moratorium on new conversions while that study is underway?

Attachment: 211230 Housing Memo_2022(2) (11841 : Housing Market Trends and Priorities Discussion)

Appendix A – Short-Term Rental (STR) Regulations

Community	No. of STRs	Date of Action(s)	Description
Alpine County	35+	7/1/2021	Limited to 35 STRs on East Slope Kirkwood Tri-County Special Area exempt
Amador County	80	6/11/2019	Drafted STR regulatory ordinance but abandoned in favor of a nuisance ordinance. Currently updating their Housing Element and evaluating the effect of short-term rentals.
Arcata		7/13/2021	Limit of 100 short-term rentals in the city
Bar Harbor, Maine (Acadia NP)		11/1/2021	Voters set STR cap at 9% of housing stock and must be rented for a minimum of four days. Primary resident operators are exempt.
Berkeley			Operators must be primary residents, 60-day annual cap, and must provide $1,000,000 in liability insurance. 14% TOT and 2% enforcement fee.
Carmel		12/9/2019	No new STR's unless the builder also builds three new market rate long-term rentals. Existing short-term rentals are grandfathered.
Emeryville			Operators must be primary residents, 90-day limit of non-hosted nights. 14% TOT.
Fresno		9/19/2019	Unanimously voted to adopt an ordinance mandating annual registration and taxation of STR's. As well consequences for nuisance violations.
Honolulu/all of Oahu		10/1/2020	Limits permits to 1,715 island-wide, and only in designated zones. Fines begin at $1,000 can escalate to $10,000 a day
Las Vegas, NV		7/12/1905	Allowed in primary residence; this was a loosening of a prior prohibition on STRs.
Los Angeles		7/1/2019	Operators must be primary residents. Rental limits 120 days. $500 per day for violation
Mono County		3/8/2018	Emergency moratorium on new permits led to development of transient overlay district that regulates permits and an additional housing mitigation charge to STR operators.

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Oakland			Banned in residential zones, allowed in designated zones. 14% TOT.
Pacific Grove		11/1/2018	Measure M prohibits STR'sin residential areas. No grandfather clause. STR's allowed only in Coastal Resort zone
Redwood City			Operators must be primary residents. Non-hosted limit of 120 days, hosted no annual limits.
San Francisco		2/1/2015	Operators must be primary residents. Rental limits 90 days. $484 per day for violation.
San Jose		2012 Ordinance	Operators must be primary residents, 180-day annual cap. TOT 10%.
San Luis Obispo			Lottery to reduce STRs to goal
Santa Cruz County	473	1/26/2021	Concluded a moratorium enacted previously to analyze effects of STRs. Set a cap on the number of short-term rentals allowed by community. Grandfathered in compliant rentals active prior to April 2011.
Sonora	36	4/8/2021	Passed a moratorium on new short-term rentals; working on ordinance to limit rentals to operators' primary residence for no more than 120 days
South Lake Tahoe		7/10/1905	Citizen initiative (Measure T) prohibits short-term rentals in residential areas unless operator's primary residence. Cap of 30 days per year. No grandfather clause. Effective January 1, 2020.
Sunnyvale		7/10/1905	Operators must be primary residents. 12.5% TOT.
Truckee		1/1/2021	Moratorium on new STRs. No new permits will be issued and a non-transferable $400 housing mitigation fee is applied to short-term rental application fees and TOT collections. Measure K went into effect, which increases TOT for housing, trails and open space.
Washington County, Utah (Zion NP)		10/1/2021	Moratorium on new STRs in May 2021. Require STRs to be hosted, grandfathered existing STRs, and conducting an impact analysis for further action.

Attachment: 211230 Housing Memo_2022(2) (11841 : Housing Market Trends and Priorities Discussion)

Mariposa County State of Housing

2022-Discussion Direction

Attachment: PowerPoint Presentation: MAR_State of Housing, 11 Jan 2022 (11841 : Housing Market

- WHY
- IS
- SHELTER IMPORTANT



Attachment: PowerPoint Presentation: MAR_State of Housing, 11 Jan 2022 (11841 : Housing Market

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Housing Policies The Mariposa County Housing Element (8.6.03) states that the Board of Supervisors will make every effort possible to achieve the following:

A. An adequate number of housing units to meet the needs of its citizens.

B. Housing that is affordable to all economic segments of the community.

C. Adequate facilities available to support future housing needs.

D. Housing units available to serve persons with special housing needs.

E. Rehabilitation of housing stock and replacement of housing units in need of replacement.

F. Promoting regular maintenance of housing as a means of conserving existing housing stock.

G. Strategies and actions to increase homeownership opportunities through economic development.

H. Assistance to citizens in need of short-term emergency housing.

I. Prevention of discrimination in housing.

J. Citizen participation as part of the housing element preparation and revision process and maintenance of consistency between all policies of the General Plan.

K. Collaboration with the National Park Service, it's partners and its concessioners— major providers and consumers of the County's public and private housing stock—to address mutual housing challenges and opportunities

Local and Global Housing Market Analysis

The local and global housing markets present challenges in implementing our housing policies.

Low inventory High demand: leads to high prices

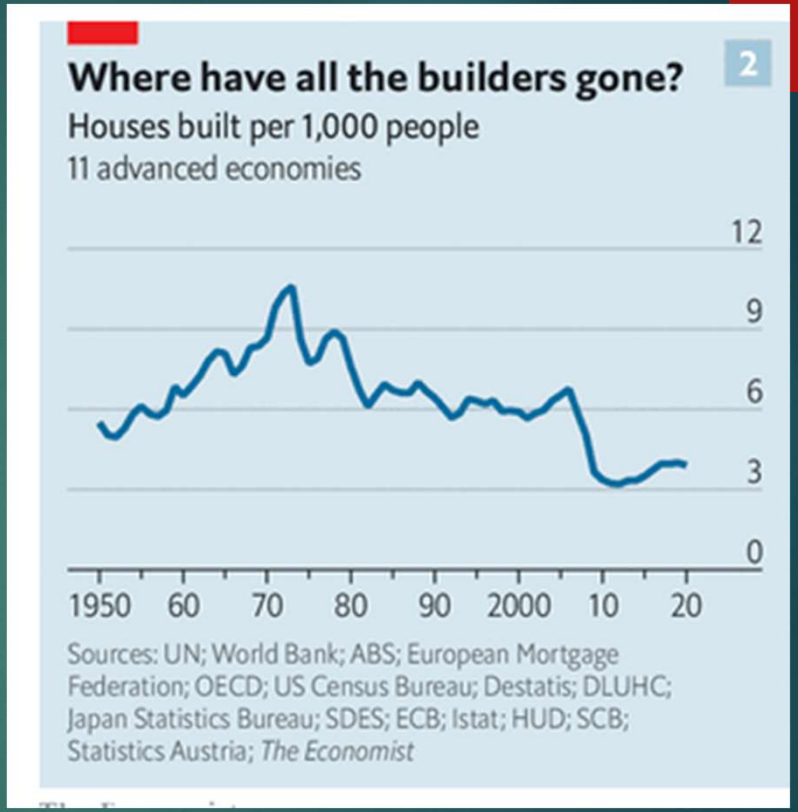
Rental and Home sales markets are at unprecedented levels, as is debt burden and homelessness

Lack of housing and cost of housing effects local business community with employers citing lack of housing as a main challenge in recruiting and retaining staff.

Lets look at Global Housing Market Increases and Building decreases

Attachment: PowerPoint Presentation: MAR_State of Housing, 11 Jan 2022 (11841 : Housing Market





Global Housing Characteristics

Attachment: PowerPoint Presentation: MAR_State of Housing, 11 Jan 2022 (11841 : Housing Market

Mariposa County, California

County, or equivalent in California

Mariposa County, California has 1,448.5 square miles of land area and is the 31st largest county in California by total area. Mariposa County, California is bordered by Tuolumne County, California, Stanislaus County, California, Madera County, California, and Merced County, California.

Total Population	Median Household Income	Bachelor's Degree or Higher	Employment Rate	Total Housing Units	Without Health Care Coverage	Total Employer Establishments	Total Households
17,131	$48,820	24.6%	47.5%	9,760	5.6%	321	7,643

Attachment: PowerPoint Presentation: MAR_State of Housing, 11 Jan 2022 (11841 : Housing Market

Income and Earnings

$48,820 +/- $4,413

Median Household Income in Mariposa County, California

$80,440 +/- $313

Median Household Income in California

Table:
S1901

Table Survey/Program:
2019 American Community Survey 5-Year Estimates

Median Income by Types of Families in Mariposa County, California

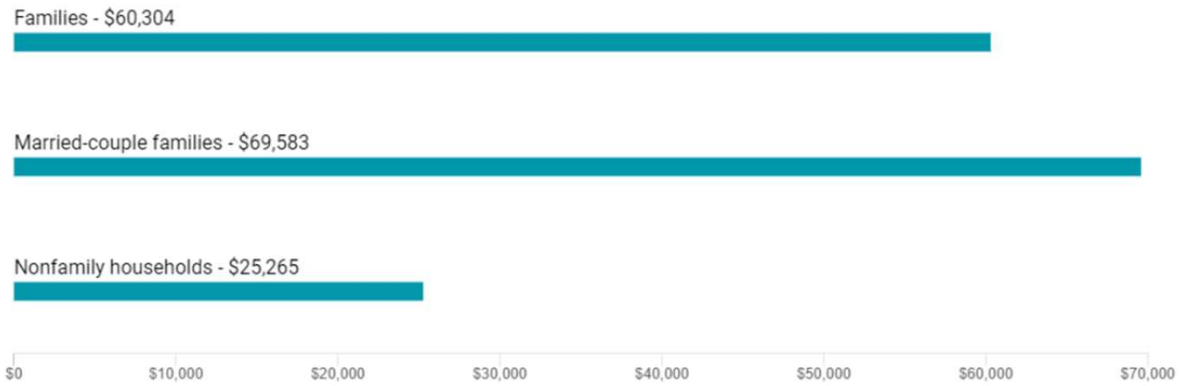


Chart Survey/Program: 2019 ACS 5-Year Estimates Subject Tables

Poverty

15.2% +/- 2.6%

Poverty, All people in Mariposa County, California

11.8% +/- 0.2%

Poverty, All people in California

Table:
S1701

Poverty by Age in Mariposa County, California

VIEW OPTIONS



Attachment: PowerPoint Presentation: MAR_State of Housing, 11 Jan 2022 (11841 : Housing Market

Mariposa Home Sales

Year of Sale	Average home sale CRMLS	Median home sale CRMLS	Listings
2014	$289,692	$217,000	139
2015	$286,836	$232,000	162
2016	$278,561	$238,000	231
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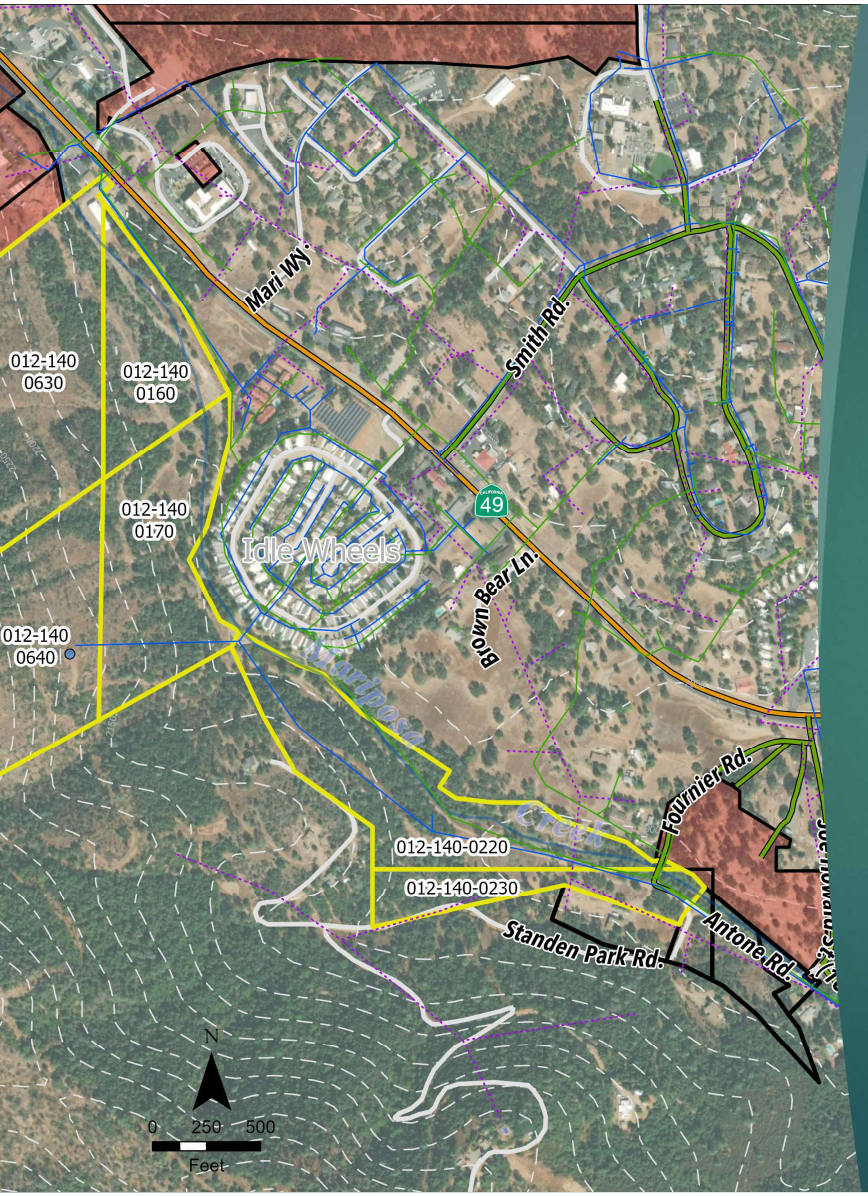
2021 numbers are as of November 1st, 2021

Attachment: PowerPoint Presentation: MAR_State of Housing, 11 Jan 2022 (11841 : Housing Market



- PROGRESS TO OUR HOUSING GOALS
- Low Income Housing Development
- Integrated Homeless Housing
- Upward Mobility Grant Opportunities

Attachment: PowerPoint Presentation: MAR_State of Housing, 11 Jan 2022 (11841 : Housing Market



- Progress
- Secondary and Accessory Dwelling Units
- Infrastructure Planning

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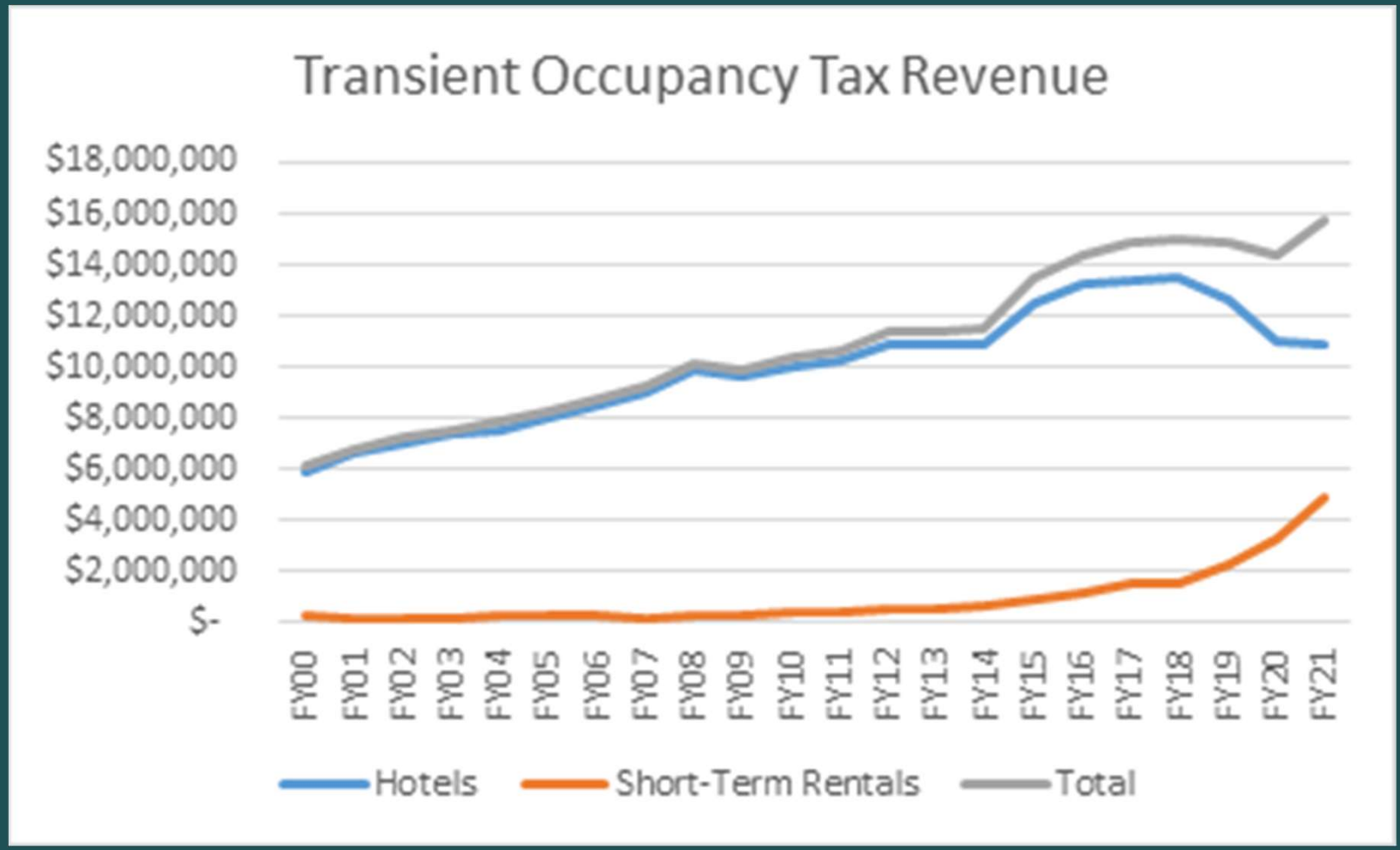


Attachment: PowerPoint Presentation: MAR_State of Housing, 11 Jan 2022 (11841 : Housing Market

Short Term Rental Conversions

Year	Number of New Short-Term Rentals (STRs)	Number of New Dwelling Permits	Net Change in Available Housing (New STRs – New Dwellings)	Number of Certificates of Occupancy
2014	35	49	14	
2015	66	54	-12	
2016	74	47	-27	47
2017	64	37	-27	37
2018	72	56	-16	48
2019	71	56	-8	60
2020	39	56	17	29
2021	35	44	12	47

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SHORT TERM RENTAL REGULATION

Appendix A – Short-Term Rental (STR) Regulations

Community	No. of STRs	Date of Action(s)	Description
Alpine County	35+	7/1/2021	Limited to 35 STRs on East Slope Kirkwood Tri-County Special Area exempt
Amador County	80	6/11/2019	Drafted STR regulatory ordinance but abandoned in favor of a nuisance ordinance. Currently updating their Housing Element and evaluating the effect of short-term rentals.
Arcata		7/13/2021	Limit of 100 short-term rentals in the city
Bar Harbor, Maine (Acadia NP)		11/1/2021	Voters set STR cap at 9% of housing stock and must be rented for a minimum of four days. Primary resident operators are exempt.
Berkeley			Operators must be primary residents, 60-day annual cap, and must provide $1,000,000 in liability insurance. 14% TOT and 2% enforcement fee.
Carmel		12/9/2019	No new STR's unless the builder also builds three new market rate long-term rentals. Existing short-term rentals are grandfathered.
Emeryville			Operators must be primary residents, 90-day limit of non-hosted nights. 14% TOT.
Fresno		9/19/2019	Unanimously voted to adopt an ordinance mandating annual registration and taxation of STR's. As well consequences for nuisance violations.
Honolulu/all of Oahu		10/1/2020	Limits permits to 1,715 island-wide, and only in designated zones. Fines begin at $1,000 can escalate to $10,000 a day
Las Vegas, NV		7/12/2021	Allowed in primary residence; this was a loosening of a prior prohibition on STRs.
Los Angeles		7/1/2019	Operators must be primary residents. Rental limits 120 days. $500 per day for violation
Mono County		3/8/2018	Emergency moratorium on new permits led to development of transient overlay district that regulates permits and an additional housing mitigation charge to STR operators.
Oakland			Banned in residential zones, allowed in designated zones. 14% TOT.
Pacific Grove		11/1/2018	Measure M prohibits STR'sin residential areas. No grandfather clause. STR's allowed only in Coastal Resort zone
Redwood City			Operators must be primary residents. Non-hosted limit of 120 days, hosted no annual limits.
San Francisco		2/1/2015	Operators must be primary residents. Rental limits 90 days. $484 per day for violation.
San Jose		2012 Ordinance	Operators must be primary residents, 180-day annual cap. TOT 10%.
San Luis Obispo			Lottery to reduce STRs to goal
Santa Cruz County	473	1/26/2021	Concluded a moratorium enacted previously to analyze effects of STRs. Set a cap on the number of short-term rentals allowed by community. Grandfathered in compliant rentals active prior to April 2011.
Sonora	36	4/8/2021	Passed a moratorium on new short-term rentals; working on ordinance to limit rentals to operators' primary residence for no more than 120 days
South Lake Tahoe		11/6/2018	Citizen initiative (Measure T) prohibits short-term rentals in residential areas unless operator's primary residence. Cap of 30 days per year. No grandfather clause. Effective January 1, 2020.
Sunnyvale		7/10/1905	Operators must be primary residents. 12.5% TOT.
Truckee		1/1/2021	Moratorium on new STRs. No new permits will be issued and a non-transferable $400 housing mitigation fee is applied to short-term rental application fees and TOT collections. Measure K went into effect, which increases TOT for housing, trails and open space.
Washington County, Utah (Zion NP)		10/1/2021	Moratorium on new STRs in May 2021. Require STRs to be hosted, grandfathered existing STRs, and conducting an impact analysis for further action.

Attachment: PowerPoint Presentation: MAR_State of Housing, 11 Jan 2022 (11841 : Housing Market

Conclusions

1. Should staff continue to dedicate time and resources to assisting with low-income housing development, market rate housing development, integrated homeless housing, upward mobility grant opportunities like housing rehabilitation and first-time homebuyer loans, secondary and ADU planning and infrastructure planning? This is in alignment with our Housing Policies.

2. Does the Board have priorities where staff should focus time and attention?

3. Is the Board interested in pursuit of a housing trust fund or other flexible local housing finance mechanisms?

4. Is the Board interested in further study of short-term rentals, possibly including a moratorium on new conversions while that study is underway?
    1. This would not be done without public engagement.

Attachment: PowerPoint Presentation: MAR_State of Housing, 11 Jan 2022 (11841 : Housing Market

Chart Survey/Program: 2019 ACS 5-Year Estimates Data Profiles

Housing Units

9,760
Total Housing Units in Mariposa County, California

14,392,140
Total Housing Units in California

Table:
H1

Table Survey/Program:
2020 Decennial Census

Housing Occupancy in Mariposa County, California

VIEW OPTIONS

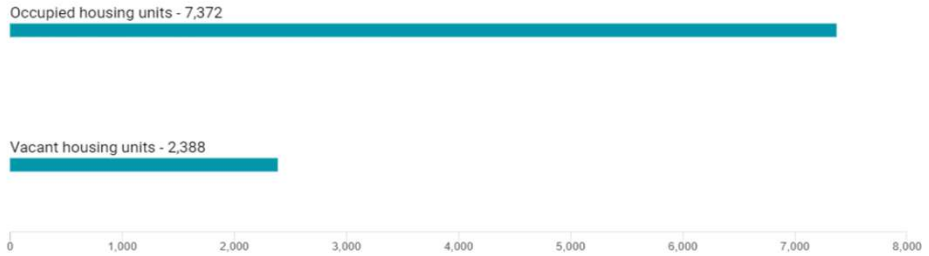


Chart Survey/Program: 2020 DEC Redistricting Data (PL 94-171)

Vacancy

2,388
Vacant Housing Units in Mariposa County, California

916,517
Vacant Housing Units in California

Table:
H1

Table Survey/Program:
2020 Decennial Census

Vacancy Rate in Mariposa County, California

VIEW OPTIONS

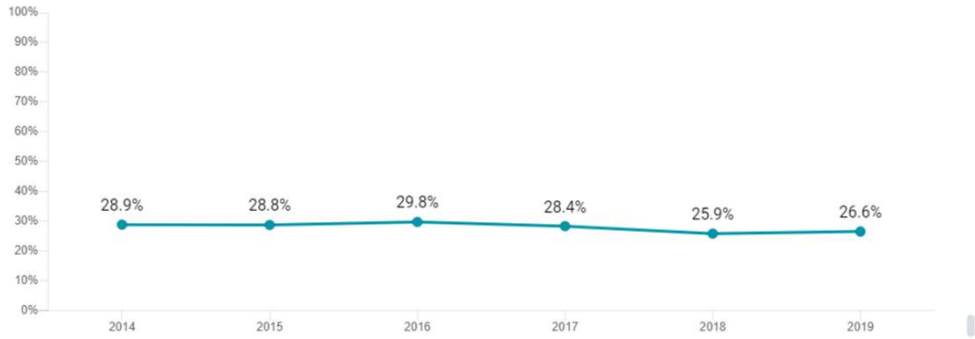


Chart Survey/Program: 2019 ACS 5-Year Estimates Data Profiles

Attachment: PowerPoint Presentation: MAR_State of Housing, 11 Jan 2022 (11841 : Housing Market

J.2.c

J.2

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MinuteTraq Notifications <NoReply@IQM2.com>

Tue 1/11/2022 12:46 PM

To: Dallin Kimble <dkimble@mariposacounty.org>; Marshall Long <mlong@mariposacounty.org>; Miles Menetrey <mmenetrey@mariposacounty.org>; Rene LaRoche <rlaroche@mariposacounty.org>; Rhonda Scherf <rscherf@mariposacounty.org>; Rosemarie Smallcombe <rsmallcombe@mariposacounty.org>; Steve Dahlem <sdahlem@mariposacounty.org>; Tracy Gauthier <tgauthier@mariposacounty.org>; Tom Sweeney <tom.sweeney@mariposacounty.org>; Wayne Forsythe <wforsythe@mariposacounty.org>

The user Alison Tudor has posted a comment on Legislative File 11841: Discussion and Direction Regarding Housing Development Priorities and Trends.

Comment: I am in support of this housing memo. As the Director of an organization that helps individuals find housing, I can attest to the great need we have in this County. Not only is it difficult for potential employees with a regular paycheck and good credit to find housing, it is extremely difficult for those in our community that have been houseless or have had negative experiences with landlords in the past. The housing shortage effects businesses who are unable to hire qualified employees and the health and wellness of our entire community as people are forced into houselessness or into substandard housing. I would encourage the board to take action to increase the housing stock in our community. This can be done through development and through protecting our current housing stock by limiting vacation rentals. Limiting vacation rentals has been done successfully in many communities and in a way that can still be supportive of homeowners and their financial needs. Housing stock should be increased and this can be accomplished in a variety of ways. The County Planning department can have a set of 5 or so approved plans that individuals can chose from, reducing the cost and time it takes for individuals to build. The Board can consider current restrictions on the number of buildings allowable per acre. The Board can continue to work with development partners to increase affordable housing. Thank you for your work on this complex issue.

Link to the Discussion: http://MariposaCountyCA.IQM2.com/Citizens/Detail_LegiFile.aspx?ID=11841

Attachment: J.2 - PUBLIC COMMENT from Allison Tudor (11841 : Housing Market Trends and Priorities Discussion)

J.2.d

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MinuteTraq Notifications <NoReply@IQM2.com>

Mon 1/10/2022 4:40 PM

To: Dallin Kimble <dkimble@mariposacounty.org>; Marshall Long <mlong@mariposacounty.org>; Miles Menetrey <mmenetrey@mariposacounty.org>; Rene LaRoche <rlaroche@mariposacounty.org>; Rhonda Scherf <rscherf@mariposacounty.org>; Rosemarie Smallcombe <rsmallcombe@mariposacounty.org>; Steve Dahlem <sdahlem@mariposacounty.org>; Tracy Gauthier <tgauthier@mariposacounty.org>; Tom Sweeney <tom.sweeney@mariposacounty.org>; Wayne Forsythe <wforsythe@mariposacounty.org>

The user Lorraine Freeman has posted a comment on Legislative File 11841: Discussion and Direction Regarding Housing Development Priorities and Trends.

Comment: I fully support this initiative.

Link to the Discussion: http://MariposaCountyCA.IQM2.com/Citizens/Detail_LegiFile.aspx?ID=11841

Attachment: J.2 - PUBLIC COMMENT from Lorraine Freeman (11841 : Housing Market Trends and Priorities Discussion)

J.2.e

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MinuteTraq Notifications <NoReply@IQM2.com>

Mon 1/10/2022 7:18 PM

To: Dallin Kimble <dkimble@mariposacounty.org>; Marshall Long <mlong@mariposacounty.org>; Miles Menetrey <mmenetrey@mariposacounty.org>; Rene LaRoche <rlaroche@mariposacounty.org>; Rhonda Scherf <rscherf@mariposacounty.org>; Rosemarie Smallcombe <rsmallcombe@mariposacounty.org>; Steve Dahlem <sdahlem@mariposacounty.org>; Tracy Gauthier <tgauthier@mariposacounty.org>; Tom Sweeney <tom.sweeney@mariposacounty.org>; Wayne Forsythe <wforsythe@mariposacounty.org>

The user Michael Bourdaa has posted a comment on Legislative File 11841: Discussion and Direction Regarding Housing Development Priorities and Trends.

Comment: One real consideration vis a vis long term versus short term tenants is that long term tenants have a laundry list of rights against landlords which effectively allow them, if they really want to, to live rent free for months, and then prevent their former landlords from warning their future landlords under libel/slander laws. Not all tenants are nightmare tenants, but enough are that it makes renting to a long term tenant riskier overall. Even if the amount of income a landlord could make from vacation rental and from long-term rental was equal, vacation rental would be the smarter option for that reason alone. The biggest barrier right now to affordable housing is fire insurance. It can cost more than a mortgage - and any landlord who can't collect at least enough to pay the taxes, insurance and the mortgage is going to lose their property one way or another.

Link to the Discussion: http://MariposaCountyCA.IQM2.com/Citizens/Detail_LegiFile.aspx?ID=11841

Attachment: J.2 - PUBLIC COMMENT from Michael Bourdaa (11841 : Housing Market Trends and Priorities Discussion)

A new comment has been posted to your Web Portal

MinuteTraq Notifications <NoReply@IQM2.com>

Fri 1/7/2022 12:22 PM

To: Dallin Kimble <dkimble@mariposacounty.org>; Marshall Long <mlong@mariposacounty.org>; Miles Menetrey <mmenetrey@mariposacounty.org>; Rene LaRoche <rlaroche@mariposacounty.org>; Rhonda Scherf <rscherf@mariposacounty.org>; Rosemarie Smallcombe <rsmallcombe@mariposacounty.org>; Steve Dahlem <sdahlem@mariposacounty.org>; Tracy Gauthier <tgauthier@mariposacounty.org>; Tom Sweeney <tom.sweeney@mariposacounty.org>; Wayne Forsythe <wforsythe@mariposacounty.org>

The user Ross Wilkinson has posted a comment on Legislative File 11841: Discussion and Direction Regarding Housing Development Priorities and Trends.

Comment: The BOS should not be in the business of providing charity at the expense of Mariposa County property owners. That's what "affordable" housing measures are. "Promoting"(i.e., compelling)a property owner to perform particular maintenance tasks to please the neighbors, as implied by Housing Policy "F" per the referenced Housing memo, is nothing other than theft and is Marxist in its conception. Resulting property tax increases hurt those of lower incomes the most; those not on the receiving end of the Board's "charity," that is.

Link to the Discussion: http://MariposaCountyCA.IQM2.com/Citizens/Detail_LegiFile.aspx?ID=11841

Attachment: J.2 - PUBLIC COMMENT from Ross Wilkinson (11841 : Housing Market Trends and Priorities Discussion)

J.2.g

Online Form Submission #8557 for Public Comment on Board Items

noreply@civicplus.com <noreply@civicplus.com>

Mon 1/10/2022 10:42 PM

To: Rene LaRoche <rlaroche@mariposacounty.org>; Tracy Gauthier <tgauthier@mariposacounty.org>; Danielle Bondshu <dwardle@mariposacounty.org>

Public Comment on Board Items

Public comment on Board of Supervisors agenda items can be provided via this form or from the meeting website located at http://www.mariposacounty.org/bosagendas.

***Please indicate the item that this comment applies to, and keep your comments to under 2000 characters (approximately 400 words.)*
***Please note that all comments received will be distributed to the Board members and attached to the Minutes following our normal procedures.*
***The County bears no responsibility for delays caused by lapses in internet service, consequently, we suggest that you submit your comments early to allow for potential delivery lags.*

NAME (Not Required but helps with the Minutes)	Warren Gray
Please Indicate the Item this comment pertains to:	Letter from Dallin Kimble regarding housing priorities and trends
Your position on this item:	Oppose
Your comment for this item: (Please note: This form is limited to 4000 characters which equals approximately 500 words. Longer communications should be emailed to board-clerk@mariposacounty.org.)	Dear Board of Supervisors, My name is Warren Gray and I am a resident and land owner in Mariposa County. I am writing to share my thoughts on an item that is up for your consideration. The Item of Concern is the proposed moratorium on short-term rentals. In 2004, my parents and I went together to purchase a piece of property in Greeley Hill that had 2 houses. After my father's passing a little over a year ago, my mother decided to move back to Turlock to be closer to needed medical care. My wife and I then made the decision that a short-term rental would be a good use of this second house. We are currently doing some very expensive updates to make this house suitable for this purpose. I recently retired from the fire service and the income from this venture is intended to bridge the gap in my downsized income. I have invested a significant amount of my savings to make the necessary updates, and any moratorium would create a serious financial hardship. I will be forced to find other employment. Any further work on the house will be immediately halted, as I will need to conserve my remaining funds. This moratorium will not have the desired effect that you are trying to realize. I have tried the long-term rental route before

Attachment: J.2 - PUBLIC COMMENT from Warren Gray (11841 : Housing Market Trends and Priorities Discussion)

and the results were pretty dismal. Since I have had such experiences, I will let the house sit empty before I get into another long-term rental situation. In conclusion, I believe it is unconscionable for you to impose any moratorium and not allow the people who have invested their lives and livelihood into their personal property to not reap the rewards of their hard work. I urge that you reject this proposal.
Sincerely,
Warren Gray

Email not displaying correctly? View it in your browser.

Attachment: J.2 - PUBLIC COMMENT from Warren Gray (11841 : Housing Market Trends and Priorities Discussion)

Rene LaRoche

From: MinuteTraq Notifications <NoReply@IQM2.com>
Sent: Tuesday, January 11, 2022 1:34 PM
To: Dallin Kimble; Marshall Long; Miles Menetrey; Rene LaRoche; Rhonda Scherf; Rosemarie Smallcombe; Steve Dahlem; Tracy Gauthier; Tom Sweeney; Wayne Forsythe
Subject: A new comment has been posted to your Web Portal

Follow Up Flag: Flag for follow up
Flag Status: Flagged

The user Hal Nolen has posted a comment on Legislative File 11841: Discussion and Direction Regarding Housing Development Priorities and Trends.

Comment: As the Director of Connections Emergency Shelter and a Mariposa resident, I support this housing memo. As the only homeless shelter in the county, I see firsthand what a lack of affordable housing can do. It is the number one reason homelessness has increased in the past five years after being on the decline. Many of our community members live on a fixed income and cannot work or increase income due to health or age. Losing long-term housing due to the rental property being sold or removed from the market creates substantial difficulties for these individuals and families. Sadly there has been an increase locally of individuals and families that have lost housing for no other reason than they simply cannot afford what is available. Additionally, Increases in rent due to skyrocketing costs for real estate, fire insurance, building materials, and more price out the low to extremely low-income individuals that make up a substantial portion of our local workforce. Even when an individual or family can increase their income to no longer need or be eligible for low-income housing, the next available housing market is saturated with renters causing steep demand vs supply issues (read inflated rental costs). Moving out of the county is becoming the only available opportunity for many to find housing they can afford, thus reducing our workforce even more. Mariposa is not immune to cost increases and red tape that so many individuals and developers struggle with when attempting to create or obtain affordable housing. Streamlining the ability for property owners and developers to obtain affordable plans and permits for pre-approved accessory dwelling units, multiple housing projects, and modular housing units could increase housing stock quickly. Modular Housing units are the gateway for the low to the mid-income workforce in housing and homeownership. Having the ability to increase modular housing quickly would be beneficial. I applaud the Board for their tireless support of Connections and the support of those most vulnerable in our community.

Link to the Discussion: http://MariposaCountyCA.IQM2.com/Citizens/Detail_LegiFile.aspx?ID=11841

Attachment: J.2 - PUBLIC COMMENT from Hal Nolen (11841 : Housing Market Trends and Priorities Discussion)

Rene LaRoche

From: Jennifer Smith <jandrsmith8980@gmail.com>
Sent: Tuesday, January 11, 2022 4:00 PM
To: Board Clerk
Subject: Rentals/Low Income housing

Follow Up Flag: Flag for follow up
Flag Status: Flagged

[Some people who received this message don't often get email from jandrsmith8980@gmail.com. Learn why this is important at http://aka.ms/LearnAboutSenderIdentification.]

Dear Board of Supervisors,

My name is Jennifer Smith. I am a long time resident and property owner in Greeley Hill.

I missed the opportunity to speak in person at the Board meeting today, but would like to share my opinion with you. My husband and I have worked very hard all our lives. We own 5 acres and have raised four kids here. We have seen a lot of changes over the years and are very concerned about our rights, as property owners, being slowly taken away.

A person should be able to rent and evict with ease of their tenants are not paying rent or not taking care of someone else's property. Too many renters these days are trashing the places they live in. It's not right that an owner, who has worked hard all their life to own and take care of their assets could potentially see their assets trashed and then have to turn around and dig deep into their own hard earned money to fix what a renter has trashed. Please consider property owner's rights when you make your decision.

When it comes to low income housing I have to say that I'm against that also. Too many times the government housing brings in people who do not have respect for taking care of their living space. Who is paying for it? My husband and me. Our taxes go up for every single hand out someone is given. I'm not heartless and I understand that people need a roof over their head, but statistics show many low income housing rentals brings in crime, drug use and a lack of respect from people who don't have a stake in the investment of a property.

Please consider the side of property owners and tax payers before making any changes.

Sincerely,

Jennifer Smith

Sent from my iPhone

Attachment: J.2 - PUBLIC COMMENT from Jennifer Smith (11841 : Housing Market Trends and Priorities Discussion)

Rene LaRoche

From: Tracy Gauthier
Sent: Tuesday, January 11, 2022 9:21 AM
To: Rene LaRoche
Subject: FW: Online Form Submission #8559 for Public Comment on Board Items

Do we have an item for this? I am not finding one.

Tracy Gauthier
Deputy Clerk of the Board II
Office of the Clerk of the Board

Mariposa County
5100 Bullion Street
P.O. Box 784
Mariposa, CA 95338
(209) 966-3222

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Tuesday, January 11, 2022 8:54 AM
To: Rene LaRoche <rlaroche@mariposacounty.org>; Tracy Gauthier <tgauthier@mariposacounty.org>; Danielle Bondshu <dwardle@mariposacounty.org>
Subject: Online Form Submission #8559 for Public Comment on Board Items

Public Comment on Board Items

Public comment on Board of Supervisors agenda items can be provided via this form or from the meeting website located at http://www.mariposacounty.org/bosagendas.

***Please indicate the item that this comment applies to, and keep your comments to under 2000 characters (approximately 400 words.)*
***Please note that all comments received will be distributed to the Board members and attached to the Minutes following our normal procedures.*
***The County bears no responsibility for delays caused by lapses in internet service, consequently, we suggest that you submit your comments early to allow for potential delivery lags.*

NAME (Not Required but helps with the Minutes)	*Field not completed.*
Please Indicate the Item this comment pertains to:	Moratorium of short-term rentals
Your position on this item:	Oppose

Attachment: J.2 - PUBLIC COMMENT from Stacy Gray (11841 : Housing Market Trends and Priorities Discussion)

Your comment for this item: (Please note: This form is limited to 4000 characters which equals approximately 500 words. Longer communications should be emailed to board-clerk@mariposacounty.org.)	Dear Board of Supervisors, My name is Stacy Gray and I'm a landowner and resident of Greeley Hill (Coulterville), CA. I'm writing to you today to firmly state I am against a moratorium of short-term rentals in our county. In order for our county to be successful we should support and focus on our strengths and gifts around us. Mariposa County is blessed with some of the most beautiful scenery in the world and one of the most visited National Parks in our backyard. We should utilize these assets by strengthening our tourism industry. My husband and I are doing just that by starting our own short-term rental business. As an employee living in Mariposa County and working in Tuolumne County, I hear all the time that there is a shortage of places to stay while visiting the area. We should be finding more ways to draw people to Mariposa County area. In doing so you will bring in more revenue that will provide more jobs and funds to be used for affordable housing and many other things needed in our community. I request that you vote against the proposal to put a moratorium of short-term rentals in our county. Stacy Gray Concerned Citizen

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Attachment: J.2 - PUBLIC COMMENT from Stacy Gray (11841 : Housing Market Trends and Priorities Discussion)

Rene LaRoche

From: melinda abeles <bheart-melinda@sti.net>
Sent: Tuesday, January 11, 2022 8:21 AM
To: Rene LaRoche
Subject: Housing Conversation

Follow Up Flag: Flag for follow up
Flag Status: Flagged

[You don't often get email from bheart-melinda@sti.net. Learn why this is important at http://aka.ms/LearnAboutSenderIdentification.]

Hello Rene, Ben Goger suggested I forward this letter to you. I'm Melinda Abeles, secretary for Habitat for Humanity Mariposa. Concerned about housing in our town and county. Thank you.

Ben, Thanks for including me on this conversation. It wasn't clear where to comment so I am writing this note. You can simply read it or pass it along at your discretion.

I moved here in 1994 in an ADU next to my boss's home. I am one that came to Mariposa for a job. There were very few rentals at that time and it took over a month to find one. I was sitting on a stump by the side of the road at the post office in Midpines where I had gone to look for rentals. A woman started a friendly conversation with me who had a rental and that's how I got my first place to live in Mariposa County. The rental situation has been the same since and is of course worse since the 720 vacation rentals have come about.

I understand the basic attitude of live and let live, and our governing body not wanting to obstruct people's freedom to do what they wish according to codes and laws, however, I am so happy to hear that there is consideration for this situation to be curtailed in some way. Perhaps all the vacation rentals that have been active for 10 or more years can be transformed into permanent housing now, Perhaps that could become a county ordinance. 10 years max.

Our governing body represents all of us Though personal belief may differ in individuals, the board as a whole needs to consider the effects holistically, which seems to be happening now. I wish you all luck with this topic. You can't please all the poeple all the time but you can choose to deprioritize financial gain for the few in favor of basic human needs. If we want a thriving community, it has to be done.

Can't come tomorrow. All the best, and may the conversations continue.

Melinda

Attachment: J.2 - PUBLIC COMMENT from Melinda Abeles (11841 : Housing Market Trends and Priorities Discussion)