

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

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution

No. 2008-001

A resolution conditionally approving Land Division Application No. 2006-260; Cyndi Gates applicant. Portion of Assessors Parcel Number 016-250-048.

WHEREAS an application for land division was received on August 22, 2006 from Cyndi Gates for a property located at 2463 Old Highway in the Catheys Valley area, near the intersection of Old Highway and Cornett's Entrance/Schoolhouse Road also known as a portion of Assessor Parcel Number 016-250-048; and

WHEREAS the project was deemed complete as of September 22, 2006 pursuant to Government Code Section 65943 and is consequently subject to the 1981 General Plan; and

WHEREAS the project proposes the division of a 20.08 acre parcel into four parcels of 5± acres each; and

WHEREAS Old Highway is a narrow county maintained road; and

WHEREAS on May 31, 2007 the applicant modified the project description to include the construction of a paved turnout on Old Highway to address the project's incremental impacts to Old Highway; and

WHEREAS the Planning Department circulated the application among trustee and responsible agencies, interested public organizations, and others as appropriate; and

WHEREAS a duly noticed public hearing was scheduled for the 19th day of October 2007; and

WHEREAS the Planning Department prepared environmental documents in accordance with the California Environmental Quality Act and local administrative procedures; and

WHEREAS a Staff Report and Initial Study were prepared pursuant to the California Government Code, Mariposa County Code, California Environmental Quality Act, and local administrative procedures; and

WHEREAS based upon the applicant's request, the Planning Commission continued the public hearing until the 16th day of November 2007; and

WHEREAS the Planning Commission did hold a public hearing on the continued date and considered all of the information in the public record, including the Initial Study and Staff

Report, testimony presented by the public concerning the application, and the comments of the applicant; and

WHEREAS on the 16th day of November 2007, the Planning Commission continued the public hearing until the 7th day of December 2007 in order to provide additional time to address issues raised by the public; and

WHEREAS on the 7th day of December 2007, Staff requested a further continuance; and

WHEREAS on the 7th day of December 2007, the Planning Commission continued the public hearing until the 25th day of January 2008; and

WHEREAS on the 18th day of January 2008, the applicant modified the project description, deleting the construction of a paved turnout and instead widening a narrow area in Old Highway and lengthening a culvert just east of the proposed encroachment to address the projects incremental impacts to Old Highway; and

WHEREAS the Planning Department modified and revised environmental documents in accordance with the California Environmental Quality Act and local administrative procedures; and

WHEREAS the project Staff Report and Initial Study were modified and revised pursuant to the California Government Code, Mariposa County Code, California Environmental Quality Act, and local administrative procedures; and

WHEREAS the Planning Commission did hold a public hearing on the continued date and considered all of the information in the public record, including the modified Initial Study and Staff Report, testimony presented by the public concerning the application, and the comments of the applicant.

NOW THEREFORE, BE IT RESOLVED THAT the Planning Commission of the County of Mariposa does hereby adopt a Mitigated Negative Declaration.

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby approve Land Division Application No. 2006-260.

BE IT FINALLY RESOLVED THAT the project is approved based upon the findings set forth in Exhibit 1 with the terms, conditions, and mitigation measures set forth in Exhibit 2.

ON MOTION BY Commissioner DeSantis, seconded by Commissioner Francisco, this resolution is duly passed and adopted this 25th day of January 2008 by the following vote:

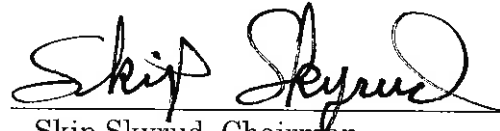
AYES: DeSantis, Francisco, Ross, Rudzik, and Skyrud

NOES: None

EXCUSED: None

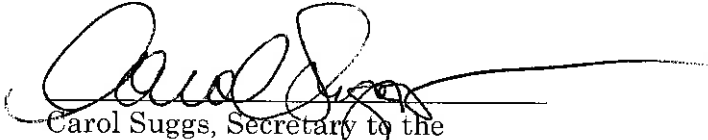
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ABSTAIN: None



Skip Skyrud, Chairman
Mariposa County Planning Commission

Attest:



Carol Suggs, Secretary to the
Mariposa County Planning Commission

EXHIBIT 1
PROJECT FINDINGS
FOR
Land Division Application No. 2006-260

1. **FINDING:** The site is physically suitable for the type and density of development.

EVIDENCE: Based on site inspection and the proposed division of the existing parcel into four parcels of greater than five acres each, the site is physically suited for low-density homes and appurtenant improvements such as septic systems provided that the conditions of approval regarding the septic systems and approved locations, and access roads are met. The proposed project is located within the Mountain Home zone and Land Use Classification. The subdivision density is designed in accordance with the Mountain Home zone and classification.

2. **FINDING:** The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

EVIDENCE: The Initial Study prepared for the project found that based on the approved project description and the proposed mitigation measures, it would have a less than significant effect on the environment. This project is limited in its scope, and is consistent with surrounding development. The site has access to a paved county-maintained road and limited grading will be necessary to comply with access requirements for the subdivision. The applicant has modified their project by proposing to add a 20 foot paved section to the existing culvert just east of the proposed access road location, so that a 10 foot wide section can be added to the north side of Old Highway. The paved section would start just east of the culvert and extend 50 to 60 feet to meet the encroachment apron of the proposed access road. This modification will address fire safety and emergency response impacts. Mitigation is included to address the project's potential impacts to cultural resources and oak trees. The project is subject to the California Department of Fish and Game filing fees of (\$1,876.75) for a mitigated negative declaration as required by California Fish and Game Code §711.4(d)(4) and a County Clerk fee of (\$50).

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3. **FINDING:** The design of the subdivision or the proposed improvements is not likely to cause serious public health problems.

EVIDENCE: This land division and its subsequent use for low-density residential purposes are not likely to cause serious health problems provided appropriately designed engineered septic systems are installed. Future residential uses will be required to comply with all Building Code regulations and the Health Department standards and conditions for the proper installation of wells and engineered sewage disposal systems on the parcels; developed and amended for this project pursuant to adopted Health Department Policy. In light of concerns raised by the public, mitigation measures were developed for the proper testing of wells for nitrates. The proper location and implementation of these improvements and mitigation measures through the required permit processes will ensure that serious health problems will not occur on the site. The applicant has modified the project to comply with requirements of Cal Fire to improve conditions on Old Highway. All future residential uses will be required to comply with the State Fire Safe Standards as mandated by California Public Resource Code Sections 4290 and 4291, which will eliminate any potential health and safety issues related to fire protection.

4. **FINDING:** The proposed map is consistent with applicable general (Mariposa County General Plan, 1981) and specific plans as specified in Government Code Section 65451.

EVIDENCE: This project was submitted on August 22, 2006. On September 22, 2006, this application was deemed complete for processing pursuant to Government Code Section 65943. Consequently, this project has been processed in accordance with the 1981 Mariposa County General Plan. The land division is the initial step in the process to help accomplish the General Plan's Housing Element overall goal to *"...provide an adequate supply of sound, affordable housing units in a safe and satisfying environment for the present and future residents of the County..."* The land division satisfies the following Housing Element Policy: *"to ensure that there are adequate sites and facilities available to support future housing needs."* There is no specific plan governing this property.

5. **FINDING:** The design or improvement of the proposed subdivision is consistent with applicable general and specific plans.

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EVIDENCE: This project was submitted on August 22, 2006. On September 22, 2006, this application was deemed complete for processing pursuant to Government Code Section 65943. Consequently, this project has been processed in accordance with the 1981 Mariposa County General Plan. The minimum parcel size proposed by the project is consistent with standards contained in the 1981 General Plan and the Zoning Ordinance. The land division's design complies with the County Subdivision Ordinance's maximum 4:1 length to width ratio for parcel configuration. The project site is not in an area governed by a Specific Plan. Upon compliance with the recommended conditions prior to recordation of the parcel map, the parcels will have adequate access and adequate areas on-site for an engineered sewage treatment system.

6. **FINDING:** The design of the subdivision or type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

EVIDENCE: The project will not conflict with any public easement. The project will cause no permanent conflict with public access rights. Affected utility companies have reviewed the proposed project and have not objected to the proposal.

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EXHIBIT 2
CONDITIONS OF APPROVAL AND MITIGATION MEASURES
FOR
Land Division Application No. 2006-260

Project Name: Land Division for Cyndi Gates

File Number: LDA No. 2006-260

Project Approval Date: January 25, 2008

The following conditions of approval and mitigation measures were approved for this project in order to ensure compliance with county codes and policies, and to mitigate identified environmental impacts to a level of insignificance. A completed and signed checklist indicates that the conditions and mitigation measures have been complied with and implemented, and fulfills the County of Mariposa's Mitigation Monitoring requirements with respect to Public Resources Code Section 21081.6.

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Sign-Off Checklist for List of Conditions of Approval and Mitigation Measures

	Monitoring Dept.	Verified Implemented
<p>Project Description</p> <p>Land Division Application No. 2006-260 proposes to divide a 20.08 acre parcel into 4 parcels of 5± acres each.</p> <p>On January 18, 2008 the applicant, modified the project by proposing improvements to Old Highway. The proposal to construct a paved turnout just west of the proposed encroachment has been withdrawn and instead the applicant has proposed to add a 20 foot section to an existing culvert just east of the proposed encroachment. A 10 foot wide paved section will be added to the north side of Old Highway. The paved section will start just east of the culvert and extend 50 to 60 feet to meet the encroachment apron of the proposed access road. This will lessen traffic impacts to Old Highway and address cumulative impacts of the project. In accordance with input from CDF, the applicant proposes to widen a portion of Old Highway, specifically a narrowing for a culvert just east of the proposed road encroachment to help eliminate unsafe road conditions:</p> <ol style="list-style-type: none"> 1. A 20 foot section will be added to the existing culvert just east of the proposed encroachment so that a 10 foot wide paved section can be added to the north side of Old Highway. The paved section will start just east of the culvert and extend 50 to 60 feet to meet the encroachment apron of the proposed road. <p>These improvements will be done in accordance to standards established in the County Improvements Standards and the SRA Fire Safe Regulations. An encroachment permit will be obtained for the work. All proposed improvements will be completed and "signed off" (approved) by CDF and the Public Works Department prior to filing of the parcel map.</p>		
<p>CONDITIONS OF APPROVAL / PUBLIC WORKS DEPARTMENT</p>		
<p>1. The easement from the cul-de-sac as shown on the tentative parcel map to Old Highway shall be made sixty (60) feet wide and non-exclusive. The easement shall be designated for access for the use and benefit of the subject property. Provisions for a public utility easement along the access easement shall be made; the public utility easement shall be offered for dedication to the County of Mariposa and shall specifically state on the map that the dedication is for public utility purposes only. Prior to map filing, the location and width of the easements shall be approved by the County Engineer.</p>	<p>Public Works</p>	

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<p>§16.12.160.B, County Subdivision Ordinance; Road Standard Cross-sections and Section II.A.3, Road Improvement and Circulation Policy.</p>		
<p>2. The access road from Old Highway to the cul-de-sac on-site shall be improved to a Rural Class I SRA "A" standard pursuant to the Road Improvement and Circulation Policy. The road shall meet this standard at the time of parcel map filing. All portions of the road that exceed 12% grade shall be paved unless the paving requirement is waived by the County Engineer.</p> <p>§16.12.170, County Subdivision Ordinance; Chart A and Section II.D.2.a, Road Improvement and Circulation Policy; Planning Department Recommendation</p>	<p>Public Works</p>	
<p>3. The existing encroachment to Old Highway on the project site shall be abandoned and removed, if required by the Public Works Department through the encroachment permit process. All required work shall be conducted in accordance with County standards, and completed prior to parcel map filing as approved and inspected by the County Engineer.</p> <p>Public Works Recommendation</p>	<p>Public Works</p>	
<p>4. An encroachment permit shall be obtained from Public Works prior to any work being done on or adjacent to Old Highway, including any work done in conjunction with the extension of the culvert and widening of Old Highway just east of the proposed encroachment. All grading and road improvement work required as a condition of approval of this project shall comply with the Mariposa County Improvement Standards and all requirements contained therein. The County Engineer may require engineered improvement plans 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 County Engineer prior to commencement of construction work on the required road improvements All encroachment improvements shall be completed as required by Public Works. All encroachment permit requirements shall be completed to the satisfaction of Public Works by the applicant prior to filing of the parcel map.</p> <p>Chapter 11, County Improvement Standards</p>	<p>Public Works</p>	
<p>5. A cul-de-sac shall be constructed at the terminus of the required road improvements at the intersection of Parcels A, B, C,</p>	<p>Public Works</p>	

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<p>and D as shown on the tentative parcel map. The cul-de-sac shall be improved to meet county standards and shall meet these standards at the time of parcel map filing. The required cul-de-sac 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 the County Engineer prior to filing of the parcel map. At the time of filing of the parcel map, the County Surveyor shall confirm that this condition has been met. CDF requirements for the cul-de-sac shall also be met.</p> <p>Section 11.4(B)(9) County Improvement Standards</p>		
<p>6. A road maintenance association shall be formed to provide for the maintenance of the easement road from the cul-de-sac on-site to Old Highway. Maintenance shall include, but not be limited to, drainage and erosion control devices, fuel modification, and upkeep of road surfaces. The Road Maintenance Association provisions shall be developed by the applicant so that Parcels A, B, C, and D shall be responsible for road maintenance. These provisions shall be reviewed and approved by the County Engineer prior to recordation of the parcel map and shall:</p> <ul style="list-style-type: none"> a. Be in effect for the life of the project unless said maintenance is taken over by the County, a special district, or other governmental entity. b. Provide for annual maintenance and the immediate correction of emergency and hazard situations. c. Include 100% of the parcels in the subdivision served by the access roads. d. Provide a mechanism for the road maintenance association to collect delinquent payments or assessments for the maintenance described above by filing a lien on the delinquent properties with the power of sale. e. Provide a mechanism for new parcels to be added to the association. <p>Public Works Recommendation</p>	<p>Public Works</p>	
<p>7. Prior to the commencement of any road improvements, road construction or other road building or maintenance activities required as a condition of approval for this project, and following</p>	<p>Public Works</p>	

<p>Planning Director approval of or DPW receipt of:</p> <ul style="list-style-type: none"> a. the Oak Tree Identification and Preservation Plan (Condition No. 29), b. the biological survey for the Madera leptosiphon (Condition No. 26), and c. the DFG notification or Streambed Alteration permit (Condition No. 27), <p>a consultation meeting with the Public Works Department, CalFire (CDF), the applicant, and the road contractor shall occur. This meeting shall be conducted on-site. This consultation meeting shall be set up by the applicant and/or agent. Any and all costs associated with the consultation shall be the responsibility of the applicant. Public Works shall verify that this condition has been met prior to construction of any road improvements required for this project and prior to the scheduling of any on-site inspection of road improvements.</p> <p>Staff also recommends that the additional soils work specified in Condition No. 20 be coordinated with this condition, as any modification in the road alignment may impact the ability of any parcel to sustain an on-site engineered sewage disposal system.</p> <p>Public Works Recommendation and Planning Staff Recommendation</p>		
<p>8. Immediately upon completion of the required road and encroachment improvements, the applicant shall re-vegetate all exposed soils and install other erosion control as recommended by the Resource Conservation District (RCD). The applicant shall also contact the RCD for an inspection. Inspection fees shall be the responsibility of the applicant. A letter shall be submitted to the County Surveyor by RCD stating that the re-vegetation and erosion control provisions have been completed.</p> <p>§15.28.120, Mariposa County Grading Ordinance</p>	Public Works	
<p>9. All grading and road improvement work required as a condition of approval of this project shall comply with the Mariposa County Improvement Standards and all requirements contained therein. The County Engineer may require engineered improvement plans prepared by a Registered Civil Engineer for any improvement required as a conditional of approval for this project. If engineered improvement plans are required, the plan shall be approved by the County Engineer prior to commencement of construction work on the required road improvements.</p>	Public Works	

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<p>Mariposa County Improvement Standards</p>		
<p>10. All signs required by the conditions of approval for this project shall be installed on metal, break-away type posts prior to map filing. The design and placement of signs shall be approved by the County Engineer prior to installation.</p> <p>Public Works Recommendation</p>	<p>Public Works</p>	
<p>11. A stop sign shall be placed onsite at the intersection of the project access road and Old Highway. The stop sign shall be installed on a metal breakaway type post prior to map filing. The design and placement of signs shall be approved by the County Engineer prior to installation.</p> <p>Public Works Recommendation</p>	<p>Public Works</p>	
<p>12. A sign stating "THIS ROAD IS NOT COUNTY MAINTAINED" shall be installed at the intersection of the project access road and Old Highway prior to map filing. The design and specifications of the sign shall be in accordance with the County Improvement Standards and shall be approved by the County Engineer prior to installation.</p> <p>Section III.A.4, Road Improvement and Circulation Policy</p>	<p>Public Works</p>	
<p>13. A road name sign shall be placed at the intersection of project access road and Old Highway. The design and specifications of the signs shall be in accordance with the Mariposa County Improvement Standards and shall be approved by the County Engineer prior to installation.</p> <p>§16.12.175, Mariposa County Subdivision Code</p>	<p>Public Works</p>	
<p>14. Access to Parcels C and D shall be limited to the project access easement. No encroachments to Old Highway for these parcels will be granted. A declaration shall be filed concurrently with the parcel map and referenced on the parcel map and made appurtenant to Parcels C and D. The declaration shall state the following:</p> <p>"Approved access for residential development of Parcels C and D as shown on the Parcel Map for _____, filed in Book ____ of Parcel Maps at Page ____, Mariposa County Records, is from _____ (insert approved road name)."</p> <p>The County Engineer will confirm that this condition has been met</p>	<p>Public Works</p>	

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prior to map filing.		
Public Works Recommendation		
15. A Verification of Taxes Paid Form, acquired no sooner than 30 days prior to the filing of the parcel map, shall be submitted to the County Surveyor.	Public Works	
§16.12.395, Mariposa County Subdivision Code		
CONDITION OF APPROVAL / MARIPOSA PLANNING		
16. Project approval is valid for a period of three years from January 25, 2008. This approval shall expire on January 25, 2011.	Mariposa Planning	
§16.12.430, Mariposa County Subdivision Code		
17. The on-site easement road shall be named in accordance with the criteria of County Resolution No. 92-541. A Road Name Request application shall be submitted to the Planning Department and be approved by the Planning Director. The name of the road shall be shown on the parcel map.	Mariposa Planning	
County Resolution No. 92-541		
18. Prior to recordation of the parcel map, 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 (\$1,876.75) and County Clerk fee (\$50) shall be paid by the applicant within five (5) working days of the approval of the application (by Friday, February 1, 2008), because if the fee is not paid within 5 working days, and the Notice of Determination is not filed with the County Clerk prior to close of business on Friday, February 1 st , 2008 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 \$1,926.75, and that it be in the form of a cashiers 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.	Mariposa Planning	
§16.12.390, Mariposa County Subdivision Code		
19. The Property Owner (Owner) shall indemnify, protect, defend, and hold harmless the County, and any agency or instrumentality	Mariposa Planning	

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<p>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.</p> <p>An agreement on a form approved by Mariposa County Counsel shall be executed within twenty (20) working days of the date of project action (February 22, 2008). Non-compliance with this condition may result in revocation of project approval by the county.</p> <p>§16.36.030, Mariposa County Subdivision Ordinance</p>		
<p>CONDITIONS OF APPROVAL/ MARIPOSA COUNTY HEALTH DEPARTMENT</p>		
<p>20. Prior to filing of the parcel map the applicant shall demonstrate to the satisfaction of the Mariposa County Health Department that the minimum required area per Health Department Policy 03-01 is available for use on all four parcels adjacent to the areas tested. This may include excavating additional profile holes at the discretion of the Health Department. If the Health Department does not approve the pre-tested site then additional percolation tests and soil profile analysis shall be performed on those parcels not approved by the Health Department. Any parcel not meeting Health Department Policy 03-01 to the satisfaction of the Health Department shall be merged with an adjoining parcel or parcels.</p> <p>The setback areas required by any other Condition of this</p>	<p>Environmental Health</p>	

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<p>approval may not be used to satisfy this condition.</p> <p>Health Department Recommendation; Health Department Policy 03-01 (Section 13.08.090; County Code)</p>		
<p>21. If the Health Department approves the available area outlined in the above condition (number 20) then an accurate map showing the approved sewage disposal area and design recommendations for the sewage disposal systems shall be submitted to and approved by the Health Department. The map and design recommendations shall be submitted under the signature and stamp of the registered professional preparing the initial soils report, or another registered professional retained to prepare the design as required by Section .063 of the Mariposa County Rules and Regulations governing onsite sewage disposal.</p> <p>(Section 13.08.090; County Code)</p>	<p>Environmental Health</p>	
<p>22. If the Health Department approves the available area outlined in condition number 20 and the design recommendations outlined in condition number 21, then a statement shall be filed in Official Records concurrently with the Parcel Map and referenced on the Parcel map as follows:</p> <p>"Percolation tests and soils analysis tests show that conventional on-site sewage disposal systems cannot be constructed on Parcel(s) A,B,C or D, as shown on the Parcel Map for _____, filed in Book ____ at Page _____, Mariposa County Records, based upon limiting soil conditions; however, the test results meet the Health Department Land Division policy requirements for use of engineered, alternative design on-site sewage disposal systems. The State of California is in the process of developing Statewide on-site sewage disposal regulations that could affect the future installation of engineered, alternative design on-site sewage disposal systems; therefore, buyers are encouraged to check with the Mariposa County Health Department regarding State or local regulation changes that could affect the installation of an on-site sewage disposal system on any of these parcels.</p> <p>Additionally, a notice shall be filed concurrently with the parcel map and referenced on the parcel map which states:</p> <p>"The properties described as Parcels A,B,C and D as shown on the Parcel Map for _____, filed in Book ____ at Page _____, Mariposa County Records, are required to be served by an alternative design on-site sewage disposal system which is to be installed in the exact area tested and approved by the Health</p>	<p>Environmental Health</p>	

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<p>Department unless the Health Department approves an alternate location as described below. Construction plans for the alternative design on-site sewage disposal system must be submitted to and approved by the Mariposa County Health Department prior to the issuance of a development permit for any construction activities other than a private well. A map showing the approved location and a report including percolation test and soil profile analysis results is on file at the Mariposa County Health Department. The alternative design on-site sewage disposal system is to be maintained in accordance with Mariposa County Health Department Policy 03-01 which states, "A maintenance entity shall be required prior to approval and installation of a special design sewage disposal system on a land division. In lieu of a public entity, an operation and maintenance protocol may be submitted for approval by the manufacturer of a specific technology." Said maintenance entity shall be created to provide maintenance on the engineered sewage disposal systems prior to issuance of a development permit for residential construction activities other than a private well.</p> <p>In the event that additional soils testing is conducted demonstrating that an alternative design on-site sewage disposal system is not necessary, the Mariposa County Health Department may allow the use of a conventional on-site sewage disposal system in the newly tested area. Any newly tested area requiring the use of an engineered alternative design on-site sewage disposal system must meet the same minimum soils requirements of Health Department policy 03-01 as a newly created parcel."</p> <p>Health Department Recommendation; Health Department Policy 03-01 (Section 13.08.090; County Code)</p>		
<p>23. The applicant shall obtain a land development Burn Permit from the Mariposa County Air Pollution Control District prior to lighting any fires to dispose of brush, grass, trees and other flammable debris generated during ground clearing activities associated with compliance with the conditions outlined for this project.</p> <p>Air Pollution Control District Recommendation</p>	<p>Environmental Health</p>	
<p style="text-align: center;">CONDITIONS OF APPROVAL/CALIFORNIA DEPARTMENT OF FORESTRY & FIRE PROTECTION</p>		

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<p>24. Prior to filing of the parcel map, all applicable State Fire Safe Regulations shall be met. A letter shall be submitted to the County Surveyor by CDF stating this condition has been met.</p> <p>(California Public Resource Code)</p>	<p>CDF</p>	
<p>CEQA MITIGATION MEASURES</p>		
<p>25. Cultural resources shall not be altered, disturbed, removed, or destroyed. If any cultural resources or archeological materials are uncovered during ground disturbance or construction activities associated with compliance with the conditions of approval for this project, Mariposa County authorities and/or a qualified archeologist shall be notified immediately by the applicant or his representative and construction work shall be stopped in this area until mitigation is established by appropriate professional(s) meeting the Secretary of Interior qualification standards. Should human remains be encountered, the County Coroner must also be notified within 48 hours. If the remains are Native American, the coroner must notify the Native American Heritage Commission within 24 hours. Any ground disturbing activities within twenty-five feet (25) of the possible milling feature shall be monitored by a qualified archeologist.</p> <p>Mitigation Measure; Planning Staff Recommendation</p>	<p>Mariposa Planning</p>	
<p>26. Prior to filing of the parcel map for this project and prior to conducting any ground disturbing activities on-site, including road construction activities (except for work on Old Highway) and soils work for the engineered septic systems, the applicant shall hire a qualified consultant to conduct a biological survey of the subject property. The survey shall determine whether the project site contains the Madera leptosiphon or any other rare, threatened or endangered species, and shall suggest mitigation for development should any species be located on the project site. If the Madera leptosiphon is found to occur on the project site, the survey shall suggest mitigation for development or use the following:</p> <p>A setback shall be established and shown on the Parcel map for any populations of the Madera leptosiphon that are discovered. The width of the setback shall be five (5) feet from the outer edges of the population to protect the plants. A statement shall be filed in Official Records concurrently with the parcel map and referenced on the parcel map as follows:</p>	<p>Mariposa Planning</p>	

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<p>"No structure shall be constructed within the open space setback as shown on the Parcel Map for _____ filed in Book ____ at Page _____, Mariposa County Records. No portions of a sewage disposal system shall be constructed within the open space setback. No grading or building shall be allowed within the setback. This setback shall be in perpetuity and shall restrict the use of the land within the setback."</p> <p>The applicant shall present the results of this survey to the Planning Department prior to the on-site preconstruction meeting to demonstrate that this condition has been met. The Planning Department shall review the mitigation proposed by the consultant, if proposed, and shall implement appropriate mitigation for any resources found on the project site. Planning shall write a letter to the Public Works Department stating that the survey has been conducted, submitted, and reviewed, and shall specify any necessary mitigation for the protection of biological resources.</p> <p>In the event that DFG authorizes a modification or waiver of the required botanical/biological survey the applicant/owner shall be allowed to file the parcel map when the modified conditions are met and be relieved of the no ground disturbance requirement. A letter from DFG will be submitted to the Planning Department waiving or modifying the required botanical survey.</p> <p>The applicant shall provide evidence to the Public Works Department that this condition has been met, prior to scheduling the onsite preconstruction meeting with the Public Works Department, the applicant, and the road contractor.</p> <p>CA Department of Fish and Game Requirement; Mitigation Measure</p>		
<p>27. Prior to the commencement of any road improvements, road construction or other road building or maintenance activities required as a condition of approval for this project, the applicant shall contact the California Department of Fish and Game (CDFG) to determine if a Section 1603 Streambed Alteration Notification is required. If required, the applicant shall obtain the notification or permit prior to the commencement of construction activities. A copy of the approved permit or evidence that a permit is not required shall be submitted to the Public Works Department prior to the onsite consultation meeting required by Condition of Approval No. 7. If a permit is required, all provisions</p>	<p>Mariposa Planning</p>	

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<p>and requirements of the permit shall be completed as required, and prior to recordation of the parcel map. The applicant shall submit to the Public Works Department evidence that all permit requirements have been met to the satisfaction of the Department of Fish and Game.</p>		
<p>28. A drainage setback shall be established and shown on the Parcel map for the seasonal creek that runs through Parcels C, D, and corner of Parcel A. The width of the setback shall be 25 feet from the centerline on each side of the creek, to protect native plants and amphibians and prevent soil erosion. A statement shall be filed in Official Records concurrently with the parcel map and referenced on the parcel map as follows:</p> <p>“No structure shall be constructed within the open space setback as shown on the Parcel Map for _____ filed in Book ____ at Page _____, Mariposa County Records. No portions of a sewage disposal system shall be constructed within the open space setback. No grading shall be allowed within the setback, except that which is necessary for access to building sites or the maintenance or improvements of County Maintained Roads. A well or wells, water pipes, underground and above ground power lines, fencing, and other similar structures or improvements may also be constructed within the open space setback subject to approval by the Planning Director. This setback shall be in perpetuity and shall restrict the use of the land within the setback.”</p> <p>Mitigation Measure</p>	<p>Mariposa Planning</p>	
<p>29. The applicant has the option to:</p> <p>a. Construct all portions of the access road and cul-de-sac so as to not remove oak trees with a diameter of 5” or greater at breast height.</p> <p>OR</p> <p>b. Prior to recordation of the parcel map and prior to the scheduling of the on-site pre-construction conference required by Condition No. 7, the applicant shall submit an Oak Tree Identification and Preservation Plan to the Mariposa County Planning Department. This Plan shall show all trees of the genus Quercus both on-site and off-site which are located within fifty</p>	<p>Mariposa Planning</p>	

<p>feet of the centerline of the on-site easement road and fifty feet of the centerline of the on-site/off-site easement road that are 5" or larger in diameter at breast height, with breast height being 4 1/2' above natural grade. All trees identified as Quercus that will be removed for construction shall be identified on this Oak Tree Site Plan. All oak trees identified for removal on the project site shall be replaced at a ratio of three to one of a like species of oak, minimum of 10-gallon size, purchased from a nursery that has stock compatible for project site conditions, except as described below. This Plan shall be prepared by a certified professional arborist, licensed landscape architect, registered professional forester, qualified botanist, or other qualified professional as approved by the Mariposa County Planning Department. This Plan shall specify maintenance requirements, costs, and procedures to ensure the viability of the replacement trees. If the qualified professional preparing this survey suggests an alternative to replacing the trees to be removed, that alternative suggestion shall be evaluated by the Mariposa County Planning Department and if determined to be acceptable by the Planning Director, shall be implemented. If the qualified professional determines that the number of trees removed will not create a significant impact, then that determination shall be presented for the Director's consideration. The Plan shall be completed and approved by the Planning Department prior to scheduling the onsite road construction meeting required as a condition of project approval. This mitigation measure is not intended to reduce the ability of the applicant to conduct necessary brushing work for fire safety.</p> <p>Mitigation Measure</p>		
<p>30. A statement shall be filed in conjunction with and referenced on the final map as follows:</p> <p>"Wells must be drilled, sealed and tested as directed by the Mariposa County Health Department. If nitrate contamination is found at or above one half (1/2) of the State Drinking water standard approved, treatment devices must be installed and a maintenance contract with a licensed water treatment operator must be in place prior to the close of escrow. The Health Department may waive the requirement for a water treatment operator after two years if testing demonstrates such a waiver is</p>	<p>Health Department</p>	

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appropriate as determined by the Health Department. No development permit other than a well may be obtained until the Health Department has given final written approval of the well on any lot.”		
Mitigation Measure Recommended by Health Department		
RECOMMENDATION ON OFFERS OF DEDICATION		
Staff recommends that the Planning Commission recommend that the Public Works Director accept the offer of dedication for public utilities.	Public Works	
Mariposa Planning Recommendation		

Agency Contact List				
AGENCY	CONTACT	PHONE NUMBER	SITE ADDRESS	MAILING ADDRESS
		EMAIL		
Mariposa Planning	Alvaro Arias	209-742-1218 aarias@mariposacounty.org	5100 Bullion Street Mariposa CA 95338	P.O. Box 2039 Mariposa CA 95338
Public Works	Cheryl Jay	209-966-5356	4639 Ben Hur Road Mariposa CA 95338	Same as site
Health Department	Dave Conway	209-966-2220	5100 Bullion Street Mariposa CA 95338	P.O. Box 5 Mariposa CA 95338
Regional Water Quality Control Board	JoAnne Kipps	559-445-5035	1685 E Street Fresno CA 93706	Same as site
Mariposa County Resource Conservation District	Jerry Progner	209-966-3431	5009 Fairgrounds Rd Mariposa CA 95338	P.O. Box 746 Mariposa CA 95338
County Assessor	Sarah Wise	966-2332	4982 10th Street Mariposa CA 95338	P.O. Box 35 Mariposa CA 95338
County Fire	Jim Middleton	209-966-4330	5082 Bullion Street Mariposa CA 95338	P.O. Box 162

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				Mariposa CA 95338
Cal. Dept of Forestry	Paul Alvarez	209-966-3622	5366 Highway 49 North Mariposa CA 95338	Same as site

Certificate of Completion:

By signing below, the environmental coordinator confirms that the required conditions of approval and mitigation measures have been implemented as evidenced by the "Schedule of Tasks and Sign-Off Checklist", and that all direct and indirect costs have been paid. This act constitutes the issuance of a *Certificate of Completion*.

Environmental Coordinator

Date

Explanation of Headings:

Monitoring Dept: Department or Agency responsible for monitoring a particular mitigation measure.

Verified Implemented: When a mitigation measure has been implemented, this column will be initialed and dated.