

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

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STATE OF CALIFORNIA  
COUNTY OF MARIPOSA  
PLANNING COMMISSION

Resolution  
No. 2007-9

A resolution conditionally approving Land Division Application No. 2005-146, Enrique Valencia, applicant. Assessor Parcel Number 011-320-018

WHEREAS an application for division of a 19.13 acre parcel into three parcels, with Parcel A being 5.01 acres, Parcel B being 9.12 acres, and Parcel C being 5.00 acres, was received on August 1, 2005 from Enrique Valencia for a property located at 3160 Highway 140, approximately 1.3 miles north of the northern boundary of the Catheys Valley Interim Community Center, adjacent to State Highway 140 on the east side, also known as Assessor Parcel Number 011-320-018; and

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

WHEREAS the application went through several map modifications, relocating the Parcel A/B line to accommodate the actual location of the septic disposal system and redesigning the access route at least twice; and

WHEREAS the applicant redesigned the proposed project access from a new encroachment onto Highway 140 for the final project proposal; and

WHEREAS the applicant consulted a CalTrans Permit Engineer regarding the location of the new encroachment and the CalTrans Permit Engineer tentatively approved the location, subject to preparation of engineered plans for the encroachment; and

WHEREAS a duly noticed public hearing was scheduled for the 2<sup>nd</sup> day of March, 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 an Initial Study were prepared 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 noticed 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,

NOW THEREFORE, BE IT RESOLVED THAT the Planning Commission of the County of Mariposa does hereby approve a Mitigated Negative Declaration; and

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby approve Land Division Application No. 2005-146; and

BE IT THEREFORE FURTHER 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 and the mitigation monitoring program set forth in Exhibit 3.

ON MOTION BY Commissioner Ross, seconded by Commissioner Hagan, this resolution is duly passed and adopted this March 2, 2007 by the following vote:

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

NOES: None

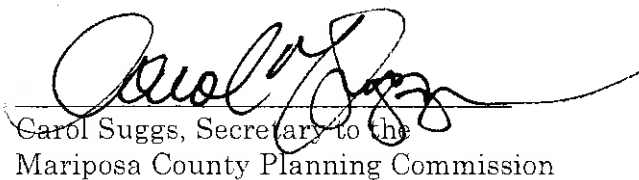
EXCUSED: None

ABSTAIN: None



Robert L. Rudzik, Chair  
Mariposa County Planning Commission

Attest:



Carol Suggs, Secretary to the  
Mariposa County Planning Commission

## *Exhibit 1—Findings for Approval*

### *Land Division Application No. 2005-146*

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 three parcels of at least five acres each, the site is physically suited for homes and appurtenant improvements such as septic systems provided that the conditions of approval regarding the septic systems and approved locations are met. The proposed project is located within the Planning Study Area for Catheys Valley, the Residential Land Use Classification, and the Mountain Home zone. The subdivision density is designed in accordance with the requirements of the Mountain Home zone.

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 project description and the mitigation measures as recommended by staff, it would have a less than significant effect on the environment. According to the Department of Fish and Game's Natural Diversity Data Base and Areas of Special Biological Importance Map for Mariposa County, there are no special, rare, or endangered animal or plant species, or wildlife resources located on the project site and the surrounding area that would be adversely affected by approval of this project. The land is currently undeveloped and will be used primarily for residential purposes. The project may have an adverse impact on wildlife resources and potential habitat areas, and is therefore subject to the California Department of Fish and Game filing fees of (\$1,800) for a mitigated negative declaration as required by Fish and Game Code Section 711.4(d)(4) and a County Clerk fee of (\$50).

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 residential purposes are not likely to cause serious health problems. Future residential uses will be required to comply with all Building Code regulations and Health Department standards for the proper installation of wells and sewage disposal systems. The proper location and implementation of these improvements will ensure that serious health problems will not occur on the site.

4. **FINDING:** The proposed map is consistent with applicable general and specific plans as specified in Government Code Section 65451.

**EVIDENCE:** 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.

**EVIDENCE:** The project site is not in an area governed by an adopted Specific Plan, Special Plan, or Area Plan. The land division's design complies with the County Subdivision Ordinance's maximum 4:1 length to width ratio for parcel configuration. The minimum parcel size proposed by the project is consistent with standards contained in the General Plan for Planning Study Areas and the Zoning Ordinance for the Mountain Home zoning classification.

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. Affected utility companies have reviewed the proposed project and have not objected to the proposal.

7. **FINDING:** The project has adequate access.

**EVIDENCE:** The project will be served by an onsite easement road. The Public Works Department will ensure that the onsite road is developed to the minimum standards contained within the County Road Improvement and Circulation Policy. The onsite road will take access directly from State Highway 140, which is maintained by the state and is two paved lanes wide in the area of the project site. The highway has been designed to accommodate all existing and proposed traffic in the area. The California Department of Transportation was offered the opportunity to comment on this project and expressed no concerns regarding the capacity of the highway and the ability to serve the project. A new encroachment will be constructed in accordance with all requirements of the CalTrans encroachment permit process.

## *Exhibit 2—Conditions of Project Approval and Mitigation Measures*

*Land Division Application No. 2005-146*

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 Assembly Bill 3180 (Public Resources Code Section 21081.6)

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

	Monitoring Dept.	Verified Implemented
<b>CONDITIONS OF APPROVAL / PUBLIC WORKS DEPARTMENT</b>		
<p>1. The proposed onsite easement from Highway 140 to the cul-de-sac on Parcels A, B, and C shall be made sixty feet wide and non-exclusive. The easement shall be designated for access for the use and benefit of the subject parcels. Additional easement width may be required to encompass the required road improvements, including turnouts and associated cuts and fills, in accordance with the County Improvement Standards and Road Improvement and Circulation Policy. 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 parcel map that the dedication is for public utility purposes only. Prior to map recordation, the location and width of the easements shall be approved by the County Engineer.</p> <p>§16.20.160.B, County Subdivision Ordinance; Road Standard Cross-sections and Section II.A.3, Road Improvement and Circulation Policy.</p>	Public Works	
<p>2. An encroachment permit shall be obtained from the California Department of Transportation prior to any work being done on or adjacent to State Highway 140. All encroachment improvements shall be completed as required by CalTrans. Evidence that the encroachment permit has been completed to the satisfaction of CalTrans shall be submitted to the County Surveyor by the applicant prior to recordation of the parcel map.</p> <p>Chapter 11, County Improvement Standards</p>	Public Works	
<p>3. The road within the onsite easement shall be improved to a</p>	Public Works	

<p>minimum Rural Class I SRA "A" standard from the intersection of State Highway 140 to the cul-de-sac on Parcels A, B, and C; the road shall meet this standard at the time of parcel map recordation. The required road improvements shall be completed in accordance with the Road Improvement and Circulation Policy and the County Improvement Standards and shall be approved by the County Engineer at the time of the recordation of the parcel map. The County Engineer may require engineered improvement plans for any grading or road improvement work required as a condition of approval for this project. The plans shall be approved by the County Engineer prior to commencement of construction work on the required road improvements. The County Engineer may require additional improvements for the road or may require that the road be developed to a higher standard.</p> <p>§16.12.170, County Subdivision Ordinance; Chart A and Section II.D.2.a, Road Improvement and Circulation Policy.</p>		
<p>4. The portion of the existing driveway to the existing Highway 140 encroachment between the encroachment and the guest house on proposed Parcel B shall be abandoned and removed, as required by the Public Works Department through the road construction process. All required work shall be conducted in accordance with County standards, and completed prior to parcel map recordation as approved and inspected by the County Engineer.</p>	Public Works	
<p>5. A cul-de-sac shall be constructed at the terminus of the required road improvements for the onsite easement road. The cul-de-sac shall be improved to meet county standards and shall meet these standards at the time of parcel map recordation. 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 recordation of the parcel map. If construction of a cul-de-sac is impractical due to the on-site terrain as determined by the County Engineer with the concurrence of CDF, the applicant may request permission to construct a hammerhead T turnaround. At the time of recordation of the parcel map, the County Surveyor shall confirm that this condition has been met.</p> <p>Section 11.4(B)(9) County Improvement Standards</p>	Public Works	
<p>6. A road maintenance association shall be formed to provide for the maintenance of all portions of the onsite easement road. 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 those parcels served by the easement roads shall be responsible for road maintenance. These provisions shall be reviewed and approved by the County Engineer prior to</p>	Public Works	

<p>recordation of the final map and shall:</p> <ul style="list-style-type: none"> <li>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.</li> <li>b. Provide for annual maintenance and the immediate correction of emergency and hazard situations.</li> <li>c. Include 100% of the parcels in the subdivision served by the access roads.</li> <li>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.</li> <li>e. Provide a mechanism for new parcels to be added to the association.</li> </ul> <p>Public Works Recommendation</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, a consultation meeting with the Public Works Department, the California Department of Forestry and Fire Protection, the California Department of Transportation, the applicant, and the road contractor shall occur. This meeting shall be conducted onsite. 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 onsite inspection of road improvements. Public Works shall verify prior to scheduling this meeting that the applicant has completed the Oak Tree Preservation Plan required as Condition of Approval No. 22 for this project, the biological resources survey required by Condition of Approval No. 23, the cultural resources survey required as Condition of Approval No. 24, and has obtained a CalTrans encroachment permit for construction of the onsite easement road as required by Condition of Approval No. 2.</p> <p>Public Works Recommendation</p>	<p>Public Works</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 Natural Resource Conservation Service/Resource Conservation District (NRCS/RCD) or the Public Works Department. The applicant shall also contact the NRCS/RCD</p>	<p>Public Works</p>	

<p>or Public Works for an inspection. Inspection fees shall be the responsibility of the applicant. A letter shall be submitted to the County Surveyor by NRCS/RCD or Public Works stating that the re-vegetation and erosion control provisions have been completed.</p>		
<p>9. All signs required by the conditions of approval for this project shall be installed on metal, break-away type posts prior to map recordation. The design and placement of signs shall be approved by the County Engineer prior to installation. All signs required by the conditions of approval for this project that are to be installed within the CalTrans right-of-way for State Highway 140 shall be included within the encroachment permit application.</p> <p>Public Works Recommendation</p>	<p>Public Works</p>	
<p>10. A stop sign shall be placed onsite at the intersection of the onsite easement road and State Highway 140. The stop sign shall be installed on a metal breakaway type post prior to map recordation. 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 sign stating "THIS ROAD IS NOT COUNTY MAINTAINED" shall be installed onsite at the intersection of the onsite easement road and State Highway 140 prior to map recordation. 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>12. A road name sign for the onsite easement road shall be placed at the intersection of State Highway 140 and the onsite easement road prior to map recordation. The design and specifications of the sign 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>13. A Verification of Taxes Paid Form, acquired no sooner than 30 days prior to the recordation of the parcel map, shall be submitted to the County Surveyor.</p> <p>§16.12.395, Mariposa County Subdivision Code</p>	<p>Public Works</p>	
<p><b>CONDITION OF APPROVAL / MARIPOSA PLANNING</b></p>		
<p>14. Project approval is valid for a period of three years from March 2, 2007. This approval shall expire on March 2, 2010.</p>	<p>Mariposa Planning</p>	



<p>§16.12.430, Mariposa County Subdivision Code</p>		
<p>15. The onsite 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.</p> <p>County Resolution No. 92-541</p>	<p>Mariposa Planning</p>	
<p>16. Prior to recordation of the final 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 (\$1,800) and County Clerk fee (\$50) shall be paid by the applicant within five (5) working days of the approval of the application, because if the fee is not paid within 5 working days, the environmental determination is not operative, vested, or final (Section 21089(b) Public Resources Code).</p> <p>The County Clerk requires that one check be submitted to cover both of these fees, for a total of \$1,850.00, 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.</p> <p>§16.12.390, Mariposa County Subdivision Code</p>	<p>Mariposa Planning</p>	
<p>17. 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.</p>	<p>Mariposa Planning</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. Non-compliance with this condition may result in revocation of project approval by the county.</p>		
<p><b>CONDITIONS OF APPROVAL/ MARIPOSA COUNTY HEALTH DEPARTMENT</b></p>		
<p>18. Percolation and soils analysis tests shall be performed on Parcels A and C. The results of those tests shall be submitted to and approved by the Mariposa County Health Department. A statement shall be recorded in Official Records concurrently with the parcel map and referenced on the parcel map as follows:</p> <p>"Approved percolation tests and soils analysis tests have been performed on Parcels A and C as shown on the Parcel Map for Valencia recorded in Book ____ of Parcel Maps at Page ____, Mariposa County Records, to verify the feasibility of installing an on-site septic disposal system. A map identifying the location of the approved percolation tests is on file in the County Health Department. If an on-site septic system is proposed for a portion of a parcel that has not had approved percolation tests, additional percolation tests and design recommendations may be required."</p> <p>§ 16.12.330, County Subdivision Ordinance</p>	<p>Health Department</p>	
<p>19. New subdivision lots will be served by an approved potable water supply. Prior to recordation of the parcel map for this project, the applicant will prove to the satisfaction of the Health Department that each new parcel has a supply of potable water meeting requirements for quantity and quality. Proof is as follows:</p> <ul style="list-style-type: none"> <li>a. an approved connection from an approved public water provider; or</li> <li>b. a proposed connection to a shared well which has been preapproved by the Health Department; or</li> <li>c. a well, for which appropriate permits and inspections have been approved by the Health Department, has been drilled on the subject property and developed with appropriate casings, and for which improvements may or may not include permanently installed pump equipment; or</li> <li>d. a demonstration that there can be a source of water capable of producing a sustained potable water supply with storage of at least 1,000 gallons per twelve (12) hour day per dwelling unit, which will be contained within any combination of (a) a potable water storage tank, (b) a static water supply in the well; or</li> <li>e. other satisfactory proof which may consist of a hydrogeological study of the area by a qualified professional and wells drilled</li> </ul>	<p>Health Department</p>	

<p>prior to sale.</p> <p>Additionally, if the property is to be served in the future by a well, there will be a requirement to record a disclosure statement concurrently with and referenced on the parcel map stating the following:</p> <p>“Water supplies for residential lands are derived from private wells on these parcels as shown on the Parcel Map for Valencia, recorded in Book ___ of Parcel maps at Page ___, Mariposa County Official Records. Mariposa County groundwater supplies are found in fractures in the bedrock. The costs associated with drilling and developing a private well is highly variable because it is unknown how much or if any additional water can be found on these parcels. There is no guarantee additional potable water supply of adequate quality or quantity can be found or sustained on any parcel shown on this map.”</p> <p>General Plan Requirement, Section 5.3.02.E(4)</p>		
<p><b>CONDITIONS OF APPROVAL/CALIFORNIA DEPARTMENT OF FORESTRY &amp; FIRE PROTECTION</b></p>		
<p>20. Prior to recordation 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>CDF</p>	
<p><b>CEQA MITIGATION MEASURES</b></p>		
<p>21. A drainage easement of fifty [50] feet from the centerline of the onsite seasonal drainage shall be located on Parcels B and C. A statement shall be recorded in Mariposa County Official Records concurrently with the parcel map, referenced on the parcel map, and made appurtenant to Parcels B and C as follows:</p> <p>“There is a drainage easement of fifty [50] feet from the centerline of the onsite seasonal drainage on Parcels B and C as shown on the Parcel Map for Valencia, recorded in Book ___ of Parcel Maps at Page ___, Mariposa County Records. No structures shall be constructed within the drainage easement. No portions of a sewage disposal system shall be constructed within the drainage easement. No grading shall be allowed within the easement. No removal of vegetation shall be allowed within the drainage easement. A well or wells, water pipes, underground and above ground power lines, fencing, and other similar structures or improvements may be constructed within the drainage easement subject to approval by California Department of Fish and Game. This easement shall be in perpetuity and shall restrict the use of the land within the easement.”</p>	<p>Mariposa Planning</p>	

<p>Mitigation Measure 4.b.1</p>		
<p>22. The applicant has the option to:</p> <ol style="list-style-type: none"> <li>1. Construct the road as to not remove oak trees with a diameter of 5" or greater at breast height.</li> </ol> <p>OR</p> <ol style="list-style-type: none"> <li>2. Provide the Planning Department with an oak tree preservation plan developed in accordance with all requirements established by the Planning Department. The plan shall indicate all oak trees with a diameter of 5" or greater at breast height to be removed as a result of road construction and shall include a plan for replacing the removed oak trees and maintaining the replacement trees, or shall provide alternate mitigation to approved by the Planning Department. Planning shall review the oak tree preservation plan and all proposed mitigation and shall inform the Public Works Department in writing when the plan has been submitted and approved by Planning.</li> </ol> <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>Planning Department Requirement: Mitigation Measure 4.e.1</p>	<p>Mariposa Planning</p>	
<p>23. Prior to recordation of the parcel map for this project, the applicant shall hire a qualified consultant to conduct a biological survey of the subject property. The survey shall minimally determine whether the project site contains the foothill yellow-legged frog and the Madera leptosiphon, and shall suggest mitigation for development should either or both species be located on the project site. The applicant shall present the results of this survey to the Planning Department prior to the onsite preconstruction meeting to demonstrate that this condition has been met. The Planning Department shall review the mitigation proposed by the consultant 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>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>Mariposa Planning</p>	

<p>Planning Department Requirement: Mitigation Measure 4.a.1</p>		
<p>24. Prior to the recordation of the parcel map, the applicants shall hire a Historic Resources Consultant that meets the minimum qualifications set forth by the Central California Information Center (CCIC) to conduct a cultural resource survey of the subject property. The applicant shall present the results of the survey to the Planning Director to demonstrate that this condition has been met. If the survey discovers cultural resources on the project site, then an open space easement shall be designated on the parcel map for the identified resource site and a declaration shall be recorded and referenced on the parcel map. The easement shall be clearly shown on the final map and shall be established from all portions of the project site, with a minimum width to be determined by the Planning Director. The easement, including its location and width, shall be approved by the Planning Director.</p> <p>If cultural resources are discovered onsite, a declaration shall be recorded prior to or concurrent with the recordation of the parcel map which states:</p> <p>“Grading, driveways, roads, and structures shall be prohibited within the open space easement as shown on the Parcel Map for Valencia, Book ___ of Parcel Maps at Page ___, Mariposa County Official Records. Cultural resources shall not be altered, disturbed, removed, or destroyed. If archeological materials are uncovered during future ground disturbance or construction, Mariposa County authorities and/or a qualified archeologist should be notified immediately.”</p> <p>Mitigation Measure 5.a.1</p>	<p>Mariposa Planning</p>	
<p>25. A statement shall be recorded in Mariposa County Official Records concurrently with the parcel map, referenced on the parcel map, and made appurtenant to Parcels A, B, and C as follows:</p> <p>“During road grading and/or construction, building pad construction, septic system installation, or any activity that involves ground disturbance on Parcels A, B, and C as shown on the Parcel Map for Valencia, Book ___ of Parcel Maps at Page ___, Mariposa County Official Records, if any signs of prehistoric, historic, archaeological, paleontological, or human remains appear, all work activity associated with the ground disturbance shall immediately stop and the Mariposa County Planning Department and County Coroner shall be notified. The Planning Department will take necessary steps to insure no significant impacts occur, which may involve the applicant needing to hire a licensed archaeologist to supervise further ground disturbance activity.”</p> <p>Mitigation Measure 5.d.1</p>	<p>Public Works</p>	

**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 for the onsite easement road.

Public Works

Mariposa Planning Recommendation

**Agency Contact List**

AGENCY	CONTACT	PHONE NUMBER EMAIL	SITE ADDRESS	MAILING ADDRESS
Mariposa Planning	Megan Tennermann	209-742-1219 mtennermann@mariposacounty.org	5100 Bullion Street Mariposa CA 95338	P.O. Box 2039 Mariposa CA 95338
Public Works	Jerry Freeman	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	Eddie Ellis	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 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.

## *Exhibit 3—Mitigation Measures and Monitoring Program*

*Land Division Application No. 2005-146*

**Mitigation Measure 4.a.1:** Prior to recordation of the parcel map for this project, the applicant shall hire a qualified consultant to conduct a biological survey of the subject property. The survey shall minimally determine whether the project site contains the foothill yellow-legged frog and the Madera leptosiphon, and shall suggest mitigation for development should either or both species be located on the project site. The applicant shall present the results of this survey to the Planning Department prior to the onsite preconstruction meeting to demonstrate that this condition has been met. The Planning Department shall review the mitigation proposed by the consultant 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.

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.

**Monitoring for Mitigation Measure 4.a.1:** The applicant shall hire the consultant and conduct the survey as described above. The survey shall be submitted to Mariposa Planning, and Planning shall review the survey and any proposed mitigation. Planning shall approve the survey and any proposed mitigation shall be implemented as directed by Planning prior to recordation of the parcel map for this project.

**Mitigation Measure 4.b.1:** A drainage easement of fifty [50] feet from the centerline of the onsite seasonal drainage shall be located on Parcels B and C. A statement shall be recorded in Mariposa County Official Records concurrently with the parcel map, referenced on the parcel map, and made appurtenant to Parcels B and C as follows:

“There is a drainage easement of fifty [50] feet from the centerline of the onsite seasonal drainage on Parcels B and C as shown on the Parcel Map for Valencia, recorded in Book \_\_\_ of Parcel Maps at Page \_\_\_, Mariposa County Records. No structures shall be constructed within the drainage easement. No portions of a sewage disposal system shall be constructed within the drainage easement. No grading shall be allowed within the easement. No removal of vegetation shall be allowed within the drainage easement. A well or wells, water pipes, underground and above ground power lines, fencing, and other similar structures or improvements may be constructed within the drainage easement subject to approval by California Department of Fish and Game. This easement shall be in perpetuity and shall restrict the use of the land within the easement.”

**Monitoring for Mitigation Measure 4.b.1:** The easement shall be shown on the parcel map as described above. The applicant shall prepare the statement as stated above. The statement shall be recorded concurrently with the parcel map.

**Mitigation Measure 4.e.1:** The applicant has the option to:

1. Construct the road as to not remove oak trees with a diameter of 5" or greater at breast height.

OR

2. Provide the Planning Department with an oak tree preservation plan developed in accordance with all requirements established by the Planning Department. The plan shall indicate all oak trees with a diameter of 5" or greater at breast height to be removed as a result of road construction and shall include a plan for replacing the removed oak trees and maintaining the replacement trees, or shall provide alternate mitigation to approved by the Planning Department. Planning shall review the oak tree preservation plan and all proposed mitigation and shall inform the Public Works Department in writing when the plan has been submitted and approved by Planning.

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.

**Monitoring for Mitigation Measure 4.e.1:** The applicant shall either decide to retain all oak trees onsite within fifty feet of the proposed road centerline that have a diameter of five inches or greater and shall inform Public Works of this decision in writing, or he shall prepare the oak tree preservation plan as described above. If the oak tree preservation plan is prepared, the applicant must submit the plan to Planning and have it approved prior to scheduling the onsite preconstruction meeting for this project.

**Mitigation Measure 5.a.1:** Prior to the recordation of the parcel map, the applicants shall hire a Historic Resources Consultant that meets the minimum qualifications set forth by the Central California Information Center (CCIC) to conduct a cultural resource survey of the subject property. The applicant shall present the results of the survey to the Planning Director to demonstrate that this condition has been met. If the survey discovers cultural resources on the project site, then an open space easement shall be designated on the parcel map for the identified resource site and a declaration shall be recorded and referenced on the parcel map. The easement shall be clearly shown on the final map and shall be established from all portions of the project site, with a minimum width to be determined by the Planning Director. The easement, including its location and width, shall be approved by the Planning Director.

If cultural resources are discovered onsite, a declaration shall be recorded prior to or concurrent with the recordation of the parcel map which states:

"Grading, driveways, roads, and structures shall be prohibited within the open space easement as shown on the Parcel Map for Valencia, Book \_\_\_\_ of Parcel Maps at Page \_\_\_\_, Mariposa County Official Records. Cultural resources shall not be altered, disturbed, removed, or destroyed. If archeological materials are uncovered during future ground disturbance or construction, Mariposa County authorities and/or a qualified archeologist should be notified immediately."

**Monitoring for Mitigation Measure 5.a.1:** The cultural resources survey shall be completed as described above. Staff shall review the survey together with any proposed mitigation, and shall implement the proposed mitigation prior to recordation of the parcel map. If



cultural resources are discovered, the statement shall be prepared as stated above and recorded concurrently with the parcel map.

**Mitigation Measure 5.d.1:** A statement shall be recorded in Mariposa County Official Records concurrently with the parcel map, referenced on the parcel map, and made appurtenant to Parcels A, B, and C as follows:

“During road grading and/or construction, building pad construction, septic system installation, or any activity that involves ground disturbance on Parcels A, B, and C as shown on the Parcel Map for Valencia, Book \_\_\_\_ of Parcel Maps at Page \_\_\_\_, Mariposa County Official Records, if any signs of prehistoric, historic, archaeological, paleontological, or human remains appear, all work activity associated with the ground disturbance shall immediately stop and the Mariposa County Planning Department and County Coroner shall be notified. The Planning Department will take necessary steps to insure no significant impacts occur, which may involve the applicant needing to hire a licensed archaeologist to supervise further ground disturbance activity.”

**Monitoring for Mitigation Measure 5.d.1:** The applicant shall prepare the statement as stated above. The statement shall be recorded concurrently with the parcel map.