

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

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution
No. 2007-11

A resolution conditionally approving Request for Amended Conditions No. 2007-36, Michael and Diane Chaulklin, applicants. Assessor Parcel Number 001-140-008

WHEREAS an application for amended project conditions was received on February 15, 2007 from Michael and Diane Chaulklin for a property located at 3614 Highway 132, also known as Assessor Parcel Number 001-140-008; and

WHEREAS this application requests to amend the conditions of approval for Land Division Application No. 2005-229, approved at the Planning Commission public hearing of December 1, 2006; and

WHEREAS this application specifically requests to amend Condition of Approval No. 1, to make Quiet Brook Lane a private access easement for the use and benefit of the subject parcels instead of a public access easement, and Condition of Approval No. 3, to improve Quiet Brook Lane to a Rural Class I A SRA standard instead of the Rural Class IIB SRA standard as previously required; 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 20th day of April 2007; and

WHEREAS the Planning Department determined that the previous environmental determination made for Land Division Application No. 2005-229 was not changed by the request for amended conditions; and

WHEREAS therefore the Planning Department recommended that the Planning Commission find the Request for Amended Conditions exempt from the provisions of the California Environmental Quality Act according to Section 15162 of the CEQA Guidelines; 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 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 find the project exempt from CEQA; and

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby approve Request for Amended Conditions No. 2007-36; and

BE IT THEREFORE FURTHER RESOLVED THAT the project is approved based upon the findings set forth in Exhibit 1 with the amended conditions set forth in Exhibit 2.

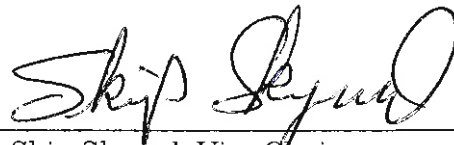
ON MOTION BY Commissioner DeSantis, seconded by Commissioner Ross, this resolution is duly passed and adopted this April 20, 2007 by the following vote:

AYES: Commissioners DeSantis, Hagan, Ross, and Skyrud

NOES: None

EXCUSED: Commissioner Rudzik

ABSTAIN: None



Skip Skyrud, Vice Chair
Mariposa County Planning Commission

Attest:



Carol Suggs, Secretary to the
Mariposa County Planning Commission

Exhibit 1—Findings for Approval
Land Division Application No. 2005-229
As Amended by Request for Amended Conditions No. 2007-36

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 and a remainder that are five acres or greater, the site is physically suited for development. The proposed project is located within the Mountain Home zone. The subdivision density is designed in accordance with 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 it would have a less than significant effect on the environment with appropriate mitigation measures. An open space easement 50 feet on both sides of the centerline of the east fork of Piney Creek is recommended to minimize significant impact to riparian vegetation and sensitive habitats.

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. Future residential uses will be required to comply with all Building Code regulations and Health Department standards. All parcels will utilize onsite well and septic.

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 minimum parcel size proposed by the project is consistent with standards contained in the General Plan and the Zoning Ordinance. The project complies with the County Subdivision Ordinance's maximum 4:1 length to width ratio for parcel configuration.

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. An utility easement is recommended along onsite power lines to provide for access by utility companies.

7. **FINDING:** The proposed amendments to Conditions No. 1 and 3 are in the general public interest; will not have a significant adverse effect on the general public health, safety, peace and welfare; 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; conforms to the requirements of state law and county policy; and is consistent with other guiding policies, goals, policies, and standards of the Mariposa County General Plan.

EVIDENCE: The proposed amendments to the conditions of approval for this project will not have a significant adverse effect on the general public health, safety, peace, and welfare of Mariposa County. Limiting the access on these two subdivision roads to use by the subject properties will protect public safety by limiting the traffic impact on Highway 132, by ensuring that the onsite easement road known as Quiet Brook Lane will not be extended. As described in the body of this staff report, the proposed private easement conforms to state law and county policy, specifically the Mariposa County Road Improvement and Circulation Policy Section II.A.3.a(1), allowing the County to accept a private easement for a road serving fewer than five parcels, and is consistent with the guiding policies, goals, policies and standards of the General Plan.

Exhibit 2—Conditions of Approval

Land Division Application No. 2005-229

As Amended by Request for Amended Conditions No. 2007-36

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

	Monitoring Dept.	Verified Implemented
CONDITIONS OF APPROVAL / PUBLIC WORKS DEPARTMENT		
<p>1. Quiet Brook Lane from Highway 132 to the southern boundary of Parcel D shall be made 60 foot wide and non-exclusive. A cul-de-sac easement with a radius of 60 feet shall be provided to encompass the required cul-de-sac improvements on Parcel D. 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. 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 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 (Section 16.12.160.B, County Subdivision Ordinance; Section II.A.3, Road Improvement and Circulation Policy).</p> <p>The Planning Commission recommends that the Public Works Director accept the offer of dedication for public access and utilities, but reject the offer for public maintenance for the on-site access roads.</p>	Public Works	
<p>2. Easement #2 shall be made a minimum 50 foot wide and non-exclusive from Quiet Brook Lane to the Remainder. A cul-de-sac easement with a radius of 60 feet shall be provided at the terminus of the easement to encompass the required cul-de-sac improvements. The easements shall be designated for the access, use, and benefit of the remainder. 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</p>	Public Works	

<p>width of the easements shall be approved by the County Engineer (Section 16.12.160.B, County Subdivision Ordinance; Section II.A.3, Road Improvement and Circulation Policy).</p>		
<p>3. Quiet Brook Lane from Highway 132 to the cul-de-sac on Parcel D as shown on the tentative map shall be improved to a Rural Class II SRA "B" <i>ISRA "A"</i> standard and 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 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</p> <p>(Section 16.12.170, County Subdivision Ordinance; Chart A and Section II.D.2.a, Road Improvement and Circulation Policy).</p>	<p>Public Works</p>	
<p>4. A cul-de-sac shall be constructed within the cul-de-sac easement at the terminus of the road improvements for Quiet Brook Lane on Parcel D as indicated on the tentative map. The cul-de-sac shall be improved to meet county standards and shall meet this standard 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 approved and inspected 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. Prior to recordation of the parcel map, the County Surveyor shall confirm that this condition has been met.</p>	<p>Public Works</p>	
<p>5. A public utility easement 10 feet on each side of the onsite power lines shall be shown on the Parcel Map; 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 easement shall be approved by the County Engineer.</p> <p>(Section 16.12.160.B, County Subdivision Ordinance; Section II.A.3, Road Improvement and Circulation Policy)</p>	<p>Public Works</p>	

<p>6. 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 prior to issuance of any encroachment permit for the required improvements, a consultation meeting with the Public Works Department, CDF, CalTrans, the applicant, the agent, and the road contractor shall occur. This meeting shall be conducted on-site. This consultation meeting shall be setup by the applicant. Any and all costs associated with the consultation shall be the responsibility of the applicant. The County engineer shall verify that this condition has been met prior to issuance of any road improvement or encroachment permit required for this project and prior to the scheduling of any on-site inspection of road improvements.</p> <p>Department of Public Works Recommendation</p>	<p>Public Works</p>	
<p>7. 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). The applicant shall also contact the NRCS/RCD for an inspection. Inspection fees shall be the responsibility of the applicants. A letter shall be submitted to the County Surveyor by NRCS/RCD stating that the re-vegetation and erosion control provisions have been completed.</p> <p>Department of Public Works Recommendation</p>	<p>Public Works</p>	
<p>8. 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>Department of Public Works Recommendation</p>	<p>Public Works</p>	
<p>9. A road maintenance association shall be formed to provide for the maintenance of the onsite easement roads. 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 recordation of the parcel map and shall:</p> <p>a. Be in effect for the life of the subdivision unless said maintenance is taken over by the County, a special district, or other governmental entity.</p> <p>b. Provide for annual maintenance and the immediate correction of emergency and hazard situations.</p>	<p>Public Works</p>	

<p>c. Include 100% of the parcels in the subdivision served by the access roads.</p> <p>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.</p> <p>e. Provide a mechanism for new parcels to be added to the association.</p> <p>Public Works Department Recommendation: Section II.I.3, Road Improvement and Circulation Policy)</p>		
<p>10. All required signs, with the exception of street name signs, shall be installed on metal, break-away type posts prior to map recordation unless the signs are located in the Highway 132 right-of-way, then they are to be installed according to CalTrans standards. The design and placement of signs shall be approved by the County Engineer prior to installation.</p> <p>Public Works Department Recommendation: Section II.5.D, Mariposa Improvement Standards</p>	Public Works	
<p>11. A road name sign for Quiet Brook Lane shall be placed at the intersection of the easement road and Highway 132 prior to map recordation. The design and specifications of the sign shall be in accordance with the Mariposa County Improvement Standards or CalTrans Standards if in the right-of-way and shall be approved by the County engineer prior to installation.</p> <p>(Section 16.12.175, County Subdivision Ordinance)</p>	Public Works	
<p>12. A stop sign shall be placed at the intersection of Quiet Brook Lane Highway 132. The design and placement of signs shall be approved by the County engineer prior to installation.</p> <p>Public Works Department Recommendation: Section II.5.D, Mariposa Improvement Standards</p>	Public Works	
<p>13. A sign stating "THIS ROAD IS NOT COUNTY MAINTAINED" shall be installed at the intersection of the easement road and Highway 132 prior to map recordation. The design and specifications of the sign shall be in accordance with the County Improvement Standards or CalTrans Standards if in the right-of-way and shall be approved by the County engineer prior to installation.</p> <p>(Section III.A.4, Road Improvement and Circulation Policy).</p>	Public Works	

<p>14. Encroachment permits shall be obtained from Caltrans for the existing driveway on Parcel A and Quiet Brook Lane prior to any work being done or adjacent to State Highway 132. All required improvements of the Caltrans encroachment permit will be completed and approved by Caltrans prior to parcel map recordation. If any required signs should be located within the Highway 132 right of way, then the encroachment permit shall address these requirements. A letter from Caltrans stating that their required encroachment improvements relative to the subject parcel map have been completed shall be submitted to the County Surveyor.</p> <p>Public Works/ CalTrans Recommendation</p>	<p>Public Works</p>	
<p>CONDITION OF APPROVAL / MARIPOSA PLANNING</p>		
<p>15. The road name "Quiet Brook Lane" shall be shown on the Parcel Map for the proposed 60 foot wide easement.</p> <p>(County Resolution No. 92-541)</p>	<p>Mariposa Planning</p>	
<p>16. A declaration shall be recorded with the parcel map and shall be referenced on the parcel map:</p> <p>"A Certificate of Compliance must be obtained prior to issuance of a development permit on the designated remainder as shown on the Parcel Map for _____ recorded in Book ____ at Page ____, Mariposa County Records, in accordance with Section 16.04.030 of Mariposa County Code."</p> <p>§16.04.030, Mariposa County Subdivision Code</p>	<p>Mariposa Planning</p>	
<p>17. A declaration shall be recorded concurrently with and referenced on the parcel map and made appurtenant to the remainder stating:</p> <p>"There shall be no county development permit (including, but not limited to a well permit, a septic permit, a grading permit, and/or a structure permit) issued to the remainder until all of the subdivision conditions for the remainder as established by the Planning Commission have been met. The remainder is not a parcel available for sale, lease or finance until all of the subdivision conditions for the remainder have been met. The remainder may or may not be surveyed."</p>	<p>Mariposa Planning</p>	
<p>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 (\$1,250) and County Clerk fee (\$25) should be paid within five (5) working days of the approval of the application, because if the</p>	<p>Mariposa Planning</p>	

<p>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 \$1,275.00, 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>19. The Property 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>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>§16.36.030, Mariposa County Subdivision Code</p>	<p>Mariposa Planning</p>	
<p>CONDITION OF APPROVAL / HEALTH DEPARTMENT</p>		
<p>20. Percolation tests and soils analysis tests shall be performed on Parcels A, B, C and D in accordance with Health Department rules and regulations. If the applicant is able to provide evidence to the Health Department of prior percolation testing, and if the Health Department finds that testing to be sufficient for development according to current standards, then no additional testing is required. The results of these tests shall be submitted to the Mariposa County Health Department and be approved by the</p>	<p>Mariposa Health Department</p>	

<p>County R.E.H.S. prior to recordation of the parcel map. A letter from the County R.E.H.S. shall be submitted to the County Surveyor stating that approved percolation tests and soils analysis tests have been performed on the parcels. A statement shall be recorded in Official Records concurrently with the parcel map and referenced on the parcel map as follows and made appurtenant to all parcels:</p> <p>“Approved percolation tests and soils analysis tests have been performed on Parcels A, B, C, and D as shown on the Parcel Map for Chaulklin, 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 an approved percolation tests, additional percolation tests and design recommendations may be required.”</p> <p>§ 16.12.330, County Subdivision Ordinance; Health Department Recommendation</p>		
<p>CONDITION OF APPROVAL / CALIFORNIA DEPARTMENT OF FOREST AND FIRE PROTECTION</p>		
<p>21. Prior to Parcel Map recordation, the applicant shall have complied with all applicable SRA Fire Safe Regulations. A document shall be recorded and referenced on the Parcel Map and made appurtenant to all parcels, that states:</p> <p>“Future residential development on all parcels as shown on the Parcel Map for ____, recorded in Book ____ of Parcel Maps at Page ____ M.C.O.R. shall be required to conform with all applicable SRA Fire Safe Regulations (Public Resource Code 4290 and 4291). Furthermore, the development of the parcels is subject to all applicable SRA Fire Safe Regulations and the risk of fire hazards shall be reduced through compliance with Public Resource Code 4291.”</p> <p>Evidence that this condition has been satisfied shall be in the form of a letter from the California Department of Forestry (CDF) to the County Surveyor.</p>	<p>California Department of Forest and Fire Protection</p>	
<p>REMAINDER CONDITIONS</p>		
<p>22. Easement #2 shall be improved to a Rural Class I SRA “A” standard from Quiet Brook Lane to the Remainder and shall meet this standard prior the issuance of a Certificate of Compliance. The required road improvements shall be completed in accordance with the Road Improvement and Circulation Policy and the County</p>	<p>Public Works</p>	

<p>Improvement Standards and shall be approved by the County Engineer prior to the recordation of the parcel map. 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.</p> <p>Section 16.12.170, County Subdivision Ordinance; Chart A and Section II.D.2.a, Road Improvement and Circulation Policy</p>		
<p>23. A cul-de-sac shall be constructed at the terminus of the road improvements in Easement #2 at the eastern boundary of the Remainder. The cul-de-sac shall not be located within the open space easement for the east fork of Piney Creek. The cul-de-sac shall be improved to meet county standards and shall meet this standard at the time of issuance of the Certificate of Compliance for the remainder. 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 approved and inspected 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. Prior to recordation of the parcel map, the County Surveyor shall confirm that this condition has been met.</p>	<p>Public Works</p>	
<p>24. Easement #2 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 approved by the Planning Director prior to the recordation of a Certificate of Compliance for the remainder.</p> <p>(County Resolution No. 92-541).</p>	<p>Planning</p>	
<p>25. A stop sign shall be placed at the intersection of Easement #2 and Quiet Brook Lane. The stop sign shall be installed on metal breakaway type posts prior to the issuance of a Certificate of Compliance for the remainder. The design and placement of signs shall be approved by the County Engineer prior to installation.</p>	<p>Public Works</p>	
<p>26. A sign stating "THIS ROAD IS NOT COUNTY MAINTAINED" shall be installed at the intersection of Easement #2 and Quiet Brook Lane prior to the issuance of a Certificate of Compliance for the remainder. 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>27. A road name sign for Easement #2 shall be placed at the intersection of Easement #2 and Quiet Brook Lane prior to the issuance of a Certificate of Compliance for the remainder. The design and specifications of the sign shall be in accordance with the Mariposa</p>	<p>Public Works</p>	

<p>County Improvement Standards and shall be approved by the County engineer prior to installation. (Section 16.12.175, County Subdivision Ordinance).</p>		
<p>28. Upon completion of the required road improvements for the remainder, the applicant shall re-vegetate all exposed soils and install other erosion control as recommended by the Natural Resources Conservation Service/Resource Conservation District (NRCS/RCD) or Public Works. The applicant shall also contact NRCS/RCD 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 control provisions have been completed prior to the recordation of the Certificate of Compliance for the remainder.</p>	<p>Planning</p>	
<p>29. The applicant shall complete one of the following:</p> <p>If the remainder is shown on the Parcel Map then an open space easement shall be established and shown on the Parcel map for the east fork of Piney Creek located on the remainder. The width of the easement shall be 50 feet from the centerline on each side of the creek, to protect native plants and amphibians. A statement shall be recorded in Official Records concurrently with the parcel map and referenced on the parcel map as follows:</p> <p style="padding-left: 40px;">“No structure shall be constructed within the open space easement as shown on the Parcel Map for _____ recorded in Book ___ at Page ___, Mariposa County Records. No portions of a sewage disposal system shall be constructed within the open space easement. No grading shall be allowed within the easement, except that which is necessary for access to building sites. 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 easement subject to approval by the Planning Director. This easement shall be in perpetuity and shall restrict the use of the land within the easement.”</p> <p>OR</p> <p>If the Remainder is not shown on the Parcel Map then an open space easement shall be established 50 feet from the centerline of east fork of Piney Creek located on the remainder prior to the recordation of the Certificate of Compliance for the remainder. The location of the easement shall be approved by the Planning Director prior to recordation of the Certificate of Compliance. A statement shall be recorded in Official Records concurrently with the Certificate of Compliance and referenced on the Certificate of Compliance as follows:</p> <p style="padding-left: 40px;">“No structure shall be constructed within the open space easement 50 feet on both sides of the centerline of the east fork</p>	<p>Planning</p>	

<p>of Piney Creek. No portions of a sewage disposal system shall be constructed within the open space easement. No grading shall be allowed within the easement, except that which is necessary for access to building sites. 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 easement subject to approval by the Planning Director. This easement shall be in perpetuity and shall restrict the use of the land within the easement.”</p>		
<p>30. Upon completion of all conditions applied to the remainder, a Certificate of Compliance shall be recorded on the remainder, in accordance with Section 16.04.030, County Subdivision Ordinance. Fees associated with the recordation of the certificate of compliance shall be paid by the applicant. If the Remainder is not shown on the parcel map, then the applicant or agent shall provide the County Surveyor with a legal description (typed, stamped and signed legal descriptions along with lot closure computations) of the remainder prior to issuance of Certificate of Compliance.</p> <p>§16.04.030, Mariposa County Subdivision Code</p>	<p>Public Works</p>	
<p>31. Percolation tests and soils analysis tests shall be performed on the Remainder in accordance with Health Department rules and regulations. The results of these tests shall be submitted to the Mariposa County Health Department and be approved by the County R.E.H.S. prior to issuance of a Certificate of Compliance for the Remainder. If the applicant is able to provide evidence to the Health Department of prior percolation testing, and if the Health Department finds that testing to be sufficient for development according to current standards, then no additional testing is required. A letter from the County R.E.H.S. shall be submitted to the County Surveyor stating that approved percolation tests and soils analysis tests have been performed on the parcel. A statement shall be recorded in Official Records concurrently with the Certificate of Compliance and referenced on the Certificate of Compliance as follows:</p> <p>“Approved percolation tests and soils analysis tests have been performed on the Remainder as shown on the Parcel Map for ____, 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 an approved percolation tests, additional percolation tests and design recommendations may be required.”</p> <p>§16.12.330, County Subdivision Ordinance; Health Department Recommendation</p>	<p>Health Department</p>	