

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. 2007-12

A resolution conditionally approving Request for Amended Conditions No. 2007-47; Louie and Joan Edwards, applicants. Assessor Parcel Number 014-240-021, 022, 023, and 025.

WHEREAS an application requesting to amend the conditions of approval for Major Subdivision Application No. 2006-150 was received on February 28, 2007 from Louie and Joan Edwards for a property located at 4388 Ben Hur Road in Mariposa, also known as Assessor Parcel Number 014-240-021, 022, 023, and 025; and

WHEREAS the project specifically proposed to amend Condition of Approval No. 1, changing Bluebonnet Lane and Lone Star Circle from public access and utility easements to private access easements with adjacent public utility easements; and

WHEREAS the applicant stated that he wished to limit the easements for private access by installing a gate; and

WHEREAS staff evaluated that statement and added a condition of approval regarding the necessary specifications for the gate, if one is installed on the project site; 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 20<sup>th</sup> day of April 2007; and

WHEREAS the Planning Department determined that the previous environmental determination made for Major Subdivision Application No. 2006-150 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 was 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 that this project is exempt from the provisions of CEQA; and

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby approve Amended Conditions Application No. 2007-47; 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.

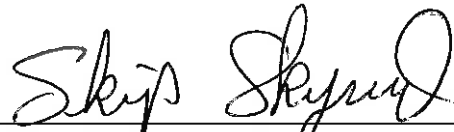
ON MOTION BY Commissioner Hagan, seconded by Commissioner Ross, this resolution is duly passed and adopted this April 20, 2007 by the following vote:

AYES: Commissioners DeSantis, Hagan, Ross, and Skyrud

NOES: None

EXCUSED: Commissioner Rudzik

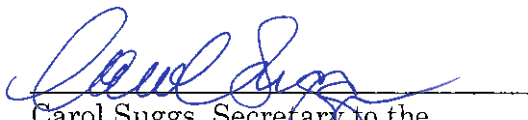
ABSTAIN: None



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Skip Skyrud, Vice Chair  
Mariposa County Planning Commission

Attest:



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Carol Suggs, Secretary to the  
Mariposa County Planning Commission

*Exhibit 1—Findings for Approval*  
*Major Subdivision Application No. 2006-150*  
*As amended by Request for Amended Conditions No. 2007-47*

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

**EVIDENCE:** Based on site inspection and the approved division of the existing parcel into eleven lots that are all between five and nine acres as well as one lot of 59 acres, 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 are met. The approved 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 based on the approved project description and the proposed mitigation measures, 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 and based on the biological survey prepared for this project, there are no special, rare, or endangered animal or plant species, or wildlife resources located on the project site or in the surrounding area that would be significantly adversely affected by approval of this project with the incorporation of the recommended mitigation measures. The land is currently and will continue to be used primarily for residential purposes. The project may have an adverse impact on wildlife resources and potential habitat areas, and the applicant has therefore paid the California Department of Fish and Game filing fees of (\$1,250) for a mitigated negative declaration as required by AB 3158 and a County Clerk fee of (\$25).

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

**EVIDENCE:** This approved 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 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 approved 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 approved subdivision is consistent with applicable general and specific plans.

**EVIDENCE:** The minimum lot size proposed by the project is consistent with standards contained in the 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.

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. Lots 1, 4, and 8 all have access on Ben Hur Road, but the project has been designed in such a way that public easements are not affected. Affected utility companies have reviewed the proposed project and have not objected to the proposal.

7. **FINDING:** The proposed amendment to Condition No. 1 is 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 amendment 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 and gating the main access road will protect public safety by limiting the traffic impact on Ben Hur Road, by ensuring that the onsite easement road known as Bluebonnet Lane will not be extended. This allows the county to evaluate the traffic impact on Ben Hur Road in both the short and the long term. 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(2), allowing the County to accept a private easement if there is no existing or future public need for the road, and is consistent with the guiding policies, goals, policies and standards of the General Plan.

*Exhibit 2—Conditions of Approval*

*Major Subdivision Application No. 2006-150*

*As Amended by Request for Amended Conditions No. 2007-47*

**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 road easement from Ben Hur Road to the cul-de-sac on Lots 7, 11, and 12 referred to as Bluebonnet Lane shall be made 60 feet wide and non-exclusive. The loop road easement connecting on both ends to Bluebonnet Lane referred to as Lone Star Circle shall be made 60 feet wide and non-exclusive. A cul-de-sac easement with a radius of 60 feet shall be provided at the end of Bluebonnet Lane to encompass the required cul-de-sac improvements. 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 road easements shall be designated for access for the use and benefit of the subject property. Provisions for public utility easements along the access easements shall be made; the public utility easements 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.</p> <p>§16.20.130, County Subdivision Ordinance; Road Standard Cross-sections, Road Improvement and Circulation Policy.</p>	Public Works	
<p>2. A dedication of 35 feet from the centerline of Ben Hur Road through the project site shall be offered to the County of Mariposa. The offer of dedication shall be non-revocable and shall specifically state on the final map that the dedication is for "public road and utility purposes." The location and width of the offer of dedication shall be approved by the County Engineer.</p> <p>§16.12.150, County Subdivision Ordinance; Section II.A.3, Road Improvement and Circulation Policy</p>	Public Works	
<p>3. An encroachment permit shall be obtained from the Mariposa County Public Works Department prior to any work being done on or adjacent to Ben Hur Road. In addition, 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</p>	Public Works	

<p>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>Chapter 11, County Improvement Standards</p>		
<p>4. Frontage improvements to be determined by the Public Works Director shall be done in accordance with the County Road Improvement and Circulation Policy and the County Improvement Standards and shall meet these standards at the time of parcel map recordation as confirmed to have been completed by the County Engineer.</p> <p>Public Works Recommendation: Section D, Road Improvement and Circulation Policy.</p>	<p>Public Works</p>	
<p>5. The road within the easement from Ben Hur Road to the cul-de-sac on Lots 7, 11, and 12 known as Bluebonnet Lane has been improved to a Rural Class II SRA "A" standard and shall meet this standard at the time of final map recordation. The County Engineer shall confirm that the required road improvements have been completed in accordance with the Road Improvement and Circulation Policy and the County Improvement Standards and shall approve the required road improvements at the time of the recordation of the final 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>§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>6. The loop road within the easement connecting on both ends to Bluebonnet Lane known as Lone Star Circle shall be improved to a Rural Class II SRA "A" standard and shall meet this standard at the time of final map recordation. The County Engineer shall confirm that the required road improvements have been completed in accordance with the Road Improvement and Circulation Policy and the County Improvement Standards and shall approve the required road improvements at the time of the recordation of the final 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</p>	<p>Public Works</p>	

<p>the required road improvements.</p> <p>§16.12.170, County Subdivision Ordinance: Chart A and Section II.D.2.a, Road Improvement and Circulation Policy</p>		
<p>7. A cul-de-sac has been constructed at the terminus of Bluebonnet Lane, located on Lots 7, 11, and 12. The cul-de-sac has been improved to meet county standards and shall meet these standards at the time of final map recordation. The County Engineer shall confirm that the required cul-de-sac improvements have been completed in accordance with the Road Improvement and Circulation Policy and the County Improvement Standards, and the improvements shall be inspected and approved by the County Engineer prior to recordation of the final map. Prior to recordation of the final map, the County Surveyor shall confirm that this condition has been met.</p> <p>Section 11.4(B)(9) County Improvement Standards</p>	<p>Public Works</p>	
<p>8. If the applicant chooses to install a gate across the onsite easement road known as Bluebonnet Lane, the gate shall be installed across the easement adjacent to the intersection of the easement and Ben Hur Road. The type and location of the gate shall be approved by the Public Works Director. If the gate is to be locked, the gate shall be approved by the County Fire Chief and the California Department of Forestry for emergency access purposes.</p> <p>Section II.I, Road Improvement and Circulation Policy</p>		
<p>9. Access to Lots 1, 4, and 8 shall be limited to Bluebonnet Lane. No further encroachment permits to Ben Hur Road for these lots will be granted. A declaration shall be recorded with the final map, referenced on the final map and made appurtenant to Lots 1, 4, and 8. The declaration shall state the following:</p> <p>“Approved access for residential development of Lots 1, 4, and 8 as shown on the Final Map for Edwards, recorded as Record of Survey No. _____, Mariposa County Records is from Bluebonnet Lane, and no additional encroachments shall be granted to this parcel from Ben Hur Road.”</p> <p>The County Engineer will confirm that this condition has been met prior to map recordation.</p> <p>Public Works Recommendation</p>	<p>Public Works</p>	
<p>10. The existing driveway encroachment to Ben Hur Road from Lot 8 on the project site shall be abandoned and removed, as required by the Public Works Department through the encroachment permit process. All required work shall be conducted in accordance with</p>	<p>Public Works</p>	

<p>County standards, and completed prior to parcel map recordation as approved and inspected by the County Engineer.</p>		
<p>11. A road maintenance association shall be formed to provide for the maintenance of the roads in the onsite easements known as Bluebonnet Lane and Lone Star Circle. 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 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 lots 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>Public Works</p>	
<p>12. 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, the applicant, the agent, and the road contractor shall occur. This meeting shall be conducted onsite. Prior to this meeting or at this meeting, the applicant shall provide to the Public Works Department a stamped full set of the engineered grading plans previously submitted to the Building Department for Grading Permit No. 24917. 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. 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 onsite inspection of road improvements.</p>	<p>Public Works</p>	



Public Works Recommendation		
<p>13. Immediately upon completion of the road and encroachment improvements required as conditions of approval for this project, 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 application. 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>	Public Works	
<p>14. All required signs 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.</p> <p>Public Works Recommendation</p>	Public Works	
<p>15. Three stop signs shall be placed onsite, one at each end of Lone Star Circle at the intersections with Bluebonnet Lane, and one at the intersection of Bluebonnet Lane and Ben Hur Road. The stop signs shall be installed on metal breakaway type posts 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>	Public Works	
<p>16. Two signs stating "THIS ROAD IS NOT COUNTY MAINTAINED" shall be installed onsite, one at the intersection of Bluebonnet Lane and Lone Star Circle, and one on Bluebonnet Lane at the Ben Hur Road encroachment 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>	Public Works	
<p>17. A road name sign for Bluebonnet Lane shall be placed at the Ben Hur Road encroachment prior to map recordation. A road name sign for Lone Star Circle shall be placed at each intersection of Lone Star Circle and Bluebonnet Lane. 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, County Subdivision Ordinance</p>	Public Works	
<p>18. A Verification of Taxes Paid Form, acquired no sooner than 30 days prior to the recordation of the final map, shall be submitted to the County Surveyor.</p> <p>§16.12.395, Mariposa County Subdivision Code</p>	Public Works	

<p>19. Prior to recordation of the final map, evidence that the State Department of Real Estate Public Report process has been commenced shall be submitted to the County Surveyor. Completion of the public report process is not necessary for map recordation, but is necessary prior to lot sale.</p>	<p>Public Works</p>	
<p>20. A final Soils Report shall be submitted to the County Planning Department as required by Mariposa County Code Subdivision Ordinance, Title 16 §16.20.220 and applicable requirements of the Subdivision Map Act. The Soils Report shall be reviewed and approved by the County Engineer prior to final map recordation.</p>	<p>Public Works</p>	
<p>21. A declaration shall be recorded with the final map and referenced on the final map. The declaration shall state the following:</p> <p>“All residential buildings, including mobile homes placed on foundations shall be constructed in compliance with the special foundation requirements stated in the Soils Investigation Report prepared for the Bluebonnet Estates Subdivision and on file with the County Planning Department. A building permit shall not be issued for residences placed on foundations unless the foundations meet the foundation requirements contained in the Soils Investigation prepared for the subdivision. The foundation requirements must be incorporated in the building plan and permit.”</p>	<p>Public Works</p>	
<p><b>CONDITION OF APPROVAL / MARIPOSA PLANNING</b></p>		
<p>22. The road within the easement from Ben Hur Road to the cul-de-sac on Lots 7, 11, and 12 shall be named Bluebonnet Lane as shown on the tentative map for this project in accordance with the criteria of County Resolution No. 92-541. The names of the roads within the project site shall be shown on the final map.</p> <p>County Resolution 92-541</p>	<p>Mariposa Planning</p>	
<p>23. The loop road within the easement connecting on both ends to Bluebonnet Lane shall be named Lone Star Circle as shown on the tentative map for this project in accordance with the criteria of County Resolution 92-541. The names of the roads within the project site shall be shown on the final map.</p> <p>County Resolution 92-541</p>	<p>Mariposa Planning</p>	
<p>24. Project approval is valid for a period of three years from December 1, 2006. This approval shall expire on December 1, 2009.</p> <p>§16.12.430, Mariposa County Subdivision Code</p>	<p>Mariposa Planning</p>	
<p>25. Prior to recordation of the final map, all fees associated with the County’s processing of the map and filing of associated documents</p>	<p>Mariposa Planning</p>	

<p>shall be paid. The Department of Fish and Game filing fee (\$1,250) and County Clerk fee (\$25) 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 \$1,275.00, 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>§16.12.390, Mariposa County Subdivision Code</p>		
<p>26. 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>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>Mariposa Planning</p>	
<p><b>CONDITIONS OF APPROVAL/ MARIPOSA COUNTY HEALTH DEPARTMENT</b></p>		
<p>27. Proof of water shall be provided on Lots 1 through 12 prior to recordation of the final map for this project. Proof of water shall be considered to be a well or wells of proven capacity. Proven capacity shall be a well or wells capable of producing one thousand gallons per twelve-hour day for each lot. Proof of production shall be an</p>	<p>Environmenta l Health</p>	

approved pump test of the well or wells certified by a licensed engineer, hydrogeologist, well driller with a C-57 license, or licensed well pump contractor. The minimum pump testing duration of the well or wells on each lot shall be the following: 3 hours for a well producing 10 gallons per minute (gpm) or more; 24 hours for a well producing 5 gpm to less than 10 gpm; and 3 days for a well producing less than 5 gpm. Additionally, a report of a completed well shall include a general mineral, physical and inorganic analysis as required under California Code of Regulations, Title 22, for non-transient, non-community water systems, and an analysis for coliform bacteria.

If any proposed parcel shall have a well that fails to meet proof of production and proof of production cannot be met on that parcel, the parcel is question shall be merged with an adjacent parcel and the merged parcel shall be shown on the final map for this subdivision.

OR

New subdivision lots will be served by an approved potable water supply. Prior to recordation of a final 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:

- a. an approved connection from an approved public water provider; or
- b. a proposed connection to a shared well which has been preapproved by the Health Department; or
- 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
- 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
- e. other satisfactory proof which may consist of a hydrogeological study of the area by a qualified professional and wells drilled prior to sale.

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 final map stating the following:

“Water supplies for residential lands are derived from private wells

<p>on these parcels. 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>§16.20.230.C, Mariposa County Subdivision Code</p>		
<p>28. Percolation tests and soils analysis tests shall be performed on all lots in accordance with Health Department rules and regulations and policies. Any lot not meeting the criteria outlined in Health Department Policies and/or rules and regulations shall be merged with one or more of the adjoining parcels. The results of these tests shall be submitted to the Mariposa County Health Department and be approved by the County Sanitarian prior to recordation of the final map. A letter from the County Sanitarian shall be submitted to the County Surveyor stating that approved percolation tests and soils analysis tests have been performed on the lots. A statement shall be recorded in Official Records concurrently with the final map and referenced on the final map as follows:</p> <p>If 1 perc test and 1 profile are completed on each parcel then the statement shall read:</p> <p>“A feasibility study has been completed for Lots ____ as shown on the Final Map for Bluebonnet Estates, recorded as Record of Survey No. ____, Mariposa County Records, to verify the feasibility of installing an on-site septic disposal system. A map identifying the location of the tests is on file in the County Health Department. Additional tests and design recommendations may be required when an on-site septic system is proposed.</p> <p>If 4 perc tests and 2 profiles are completed on each parcel then the statement shall read:</p> <p>“Approved percolation tests and soils analysis tests have been performed on Lots ____ as shown on the Final Map for Bluebonnet Estates, recorded as Record of Survey No. ____, 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>Environmental Health</p>	
<p align="center"><b>CONDITIONS OF APPROVAL/CALIFORNIA DEPARTMENT OF FORESTRY &amp; FIRE</b></p>		

<b>PROTECTION</b>		
<p>29. Prior to recordation of the final 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>	
<b>CEQA MITIGATION MEASURES</b>		
<p>30. A setback fifty [50] feet in width shall be surveyed and shown on the final map around each of the elderberry bushes identified as No. 1, 2, 3, and 4 as shown on the map prepared by Technicon Environmental Services on July 5, 2006, and shall be made appurtenant to Lots 1, 3, 4, and 6 as shown on the tentative map. These setbacks shall be measured from the drip line of the bushes. The Planning Director shall approve the location of the setbacks prior to recordation of the final map. A statement shall be recorded in Official Records concurrently with the final map, made appurtenant to Parcels 1, 3, 4, and 6, and shall be referenced on the final map. The statement shall read as follows:</p> <p>“This area is habitat of the Valley Elderberry Longhorn Beetle, a threatened species, and must not be disturbed. This species is protected by the Endangered Species Act of 1973. No structures or roads shall be constructed within the recorded setback. No grading shall be allowed within the setback. The Elderberry trees shall not be removed from the setback, and shall not be disturbed. The restrictions established for this setback shall be in place and effective until such time as the elderberry shrub or shrubs die of natural causes (which may include a wildland fire), or the Valley Elderberry Longhorn Beetle is determined by the United States Fish and Wildlife Service to be no longer in need of protection. Violators are subject to prosecution, fines and imprisonment.”</p> <p>Mitigation Measure 4.a.1</p>	<p>Public Works/ Mariposa Planning</p>	
<p>31. Prior to any construction work required for completion of conditions of approval of this project, the elderberry shrub or shrubs shall be flagged and temporarily fenced with at least 3 foot high fencing and at least a 50 foot buffer around them. Any contractors who work on the project shall be briefed on the requirements to avoid disturbance in the fenced area both through direct contact and erosion work at nearby sites and shall be made aware of the possible penalties (the most severe being prosecution) for not complying with these provisions. At the time of construction, signs shall be posted with the following information:</p> <p>“This area is habitat of the Valley Elderberry Longhorn Beetle, a threatened species, and must not be disturbed. This species is protected by the Endangered Species Act of 1973. Violators are subject to prosecution, fines and imprisonment.”</p>	<p>Public Works</p>	

<p>If the Valley Elderberry Longhorn Beetle has been determined by the United States Fish and Wildlife Service to be no longer in need of protection prior to any additional construction work required for completion of conditions of approval for this project, this condition shall not be required. The applicant shall notify Planning that the Valley Elderberry Longhorn Beetle is no longer an endangered, threatened, or protected species; Planning shall verify that the U.S. Fish and Wildlife Service has removed the beetle from the list and shall write a letter to Public Works confirming that the condition has been waived.</p> <p>Mitigation Measure 4.a.2</p>		
<p>32. Prior to the recordation of a final map for the project, 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 located onsite in the area of construction activity that are 5" or larger in diameter at breast height, with breast height being 4 ½' above natural grade. All trees identified as Quercus that will be removed for road construction or for other purposes 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. Subject to approval by the Planning Director, the Plan may suggest means of preserving oak woodlands other than replacement of the oak trees. 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.</p> <p>Mitigation Measure 4.e.1</p>	<p>Mariposa Planning</p>	
<p>33. For all trees not identified for removal for road construction or other purposes as detailed in Condition No. 31 (Mitigation Measure 4.e.1), there shall be no grading, leveling, soil compaction from the use of heavy equipment, or digging within the root zone of oaks identified in the Oak Tree Identification document. During construction of onsite easement roads, all such oaks located in the area of construction activity but not to be removed shall have erected around the root zone—which is 1 ½ times the drip line of the oak tree crown or 15' whichever is greater—environmental sensitive area fencing. This fencing shall remain installed, visible, and in good condition until all road construction, grading activities and other soil disturbance activities are completed. At the time of inspection of the completed road improvements by the Public Works Department, the Public Works inspector shall approve the removal</p>	<p>Mariposa Planning</p>	

<p>of the fencing.</p> <p>Mitigation Measure 4.e.2</p>		
<p>34. An open space easement shall be designated on the final map for the cultural resource site identified as Bluebonnet 1 in the cultural resource survey prepared for the site. The easement shall be shown on the final map and shall be established a minimum of twelve (12) meters from all portions of the sites, unless the consulting archaeologist determines that a lesser easement is adequate to protect the site(s) from potential impacts. The easements, including locations, shall be approved by the Planning Director. A declaration shall be recorded prior to or concurrently with the final map which states:</p> <p>“Grading, driveways, roads, and structures shall be prohibited within the open space easements on Lot ____ as shown on the Final Map for Bluebonnet Estates, recorded as Record of Survey No. _____, Mariposa County Records.”</p> <p>Mitigation Measure 5.a.1</p>	<p>Public Works/ Mariposa Planning</p>	
<p>35. An open space easement shall be designated on the final map for the cultural resource sites identified as Bluebonnet Stone Walls in the cultural resource survey prepared for the site. The easement shall be shown on the final map and shall be established a minimum of ten (10) feet from all portions of the sites, unless the consulting archaeologist determines that a lesser easement is adequate to protect the site(s) from potential impacts. The easements, including locations, shall be approved by the Planning Director. A declaration shall be recorded prior to or concurrently with the final map which states:</p> <p>“Grading, driveways, roads, and structures shall be prohibited within the open space easements on Lot ____ as shown on the Final Map for Bluebonnet Estates, recorded as Record of Survey No. _____, Mariposa County Records.”</p> <p>Mitigation Measure 5.b.1</p>	<p>Public Works/ Mariposa Planning</p>	
<p>36. During road grading and/or construction, building pad construction, septic system installation, or any activity that involves ground disturbance, if any signs of prehistoric, historic, archaeological, paleontological, or human remains appear, all work activity within fifty feet of the find shall stop and the Mariposa County Planning Department and Mariposa County Coroner shall be notified immediately. No work shall be done within fifty feet of the archaeological find until Planning has identified appropriate measures to protect the archaeological find and those measures have been implemented by the applicant. Protection measures for the site may include, but not be limited to, requiring the applicant to</p>	<p>Public Works</p>	



<p>hire a qualified archaeologist who shall conduct necessary inspections and research, and who may supervise all further ground disturbance activities and make any such recommendations as necessary to ensure compliance with Public Resources Code Section 5097.98.</p> <p>Mitigation Measure 5.d.1</p>		
<p><b>RECOMMENDATION ON OFFERS OF DEDICATION</b></p>		
<p>Staff recommends that the Planning Commission recommend that the Public Works Director accept the offer of dedication for public access, utilities, and maintenance for the re-offer for dedication on Ben Hur Road within the project site.</p> <p>Mariposa Planning Recommendation</p>	<p>Public Works</p>	
<p>Staff recommends that the Planning Commission recommend that the Public Works Director accept the offer of dedication for public access and utilities, but reject the offer for public maintenance of the onsite easement roads.</p> <p>Mariposa Planning Recommendation</p>	<p>Public Works</p>	