

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. 2005-39

**A resolution conditionally approving Land Division Application No. 2005-132, Philip Case and Joan White, applicants. Assessor Parcel Number 011-380-048.**

WHEREAS an application for land division was received on July 18, 2005 from Philip Case and Joan White for a property located approximately 425 feet east of the intersection of Hornitos Road and Blue Oak Drive in the Whispering Oaks West subdivision, located in Catheys Valley at 5757 Hornitos Road, also known as Assessor Parcel Number 011-380-048; 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 4<sup>th</sup> day of November, 2005; and

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

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

WHEREAS 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; and

WHEREAS the Planning Commission did modify the recommended conditions of approval as shown in the Staff Report and the recommended mitigation measures as shown both in the Staff Report and the Initial Study; and

WHEREAS those modifications are hereby included in the final conditions of approval as set forth in Exhibit 2 of this resolution,

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. 2005-132; and

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

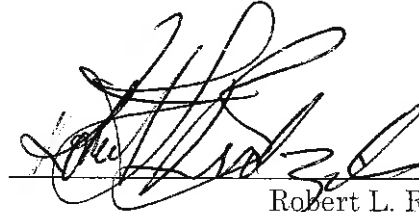
ON MOTION BY Commissioner Ludington, seconded by Commissioner Skyrud, this resolution is duly passed and adopted this November 4, 2005 by the following vote:

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

NOES: None


EXCUSED: None

ABSTAIN: None



Robert L. Rudzik, Chair  
Mariposa County Planning Commission

Attest:

  
Tracy Gauthier, Secretary to the  
Mariposa County Planning Commission

## *Exhibit 1—Findings for Approval Land Division Application No. 2005-132*

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

**EVIDENCE:** Based on site inspection, the site is physically suited for low-density homes and appurtenant improvements such as septic systems, provided that the conditions of approval regarding the access roads and the percolation testing are met. The proposed project is located within the Mountain Home land use and zoning classification. The subdivision density is designed in accordance with the Mountain Home land use and zoning classification.

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

**EVIDENCE:** The Initial Study prepared for the project found that based on the approved project description, 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 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 (\$1,250) 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 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 wells and wastewater disposal. The proper location and implementation of these improvements will ensure that serious health problems will not occur on the site. Additionally, all future residential uses will be required to comply with the State Fire Safe Standards as mandated by California Public Resource Code Sections 4290 and 4291, which will eliminate any potential health and safety issues related to fire protection.

4. **FINDING:** The proposed map is consistent with applicable general 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."* The project site is not covered by a specific plan.

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 land division's design complies with the County Subdivision Ordinance's maximum 4:1 length to width ratio for parcel configuration. The property is not covered 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. 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.

*Exhibit 2*

*Conditions of Approval and Mitigation Measures*

*As Modified by the Planning Commission*

*Land Division Application No. 2005-132*

<b>Sign-Off Checklist for List of Conditions of Approval and Mitigation Measures</b>		
	Monitoring Dept.	Verified Implemented
<b>CONDITIONS OF APPROVAL / PUBLIC WORKS DEPARTMENT</b>		
<p>1. The road easement from Hornitos Road to the cul-de-sac on Parcel D and the Remainder shall be made 60 feet wide and non-exclusive. The road easement shall be centered along the alignment of the centerline of the improved access road. A cul-de-sac easement with a radius of 60 feet shall be provided at the end of the onsite easement road 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 easement shall be created for the use and benefit of the subject properties. An offer of dedication for public utilities shall be made. The offer shall be non-revocable and specifically state on the parcel map that the dedications are for "public utility purposes."</p> <p>§16.20.130, County Subdivision Ordinance; Road Standard Cross-sections, Road Improvement and Circulation Policy.</p>	Public Works	
<p>2. The existing 35 foot easement from the centerline of Hornitos Road on-site shall be re-offered to the County of Mariposa if determined necessary by the County Surveyor. The offer of dedication shall be non-revocable and specifically state on the parcel map that the dedication is for "public road and public 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. The road within the easement from Hornitos Road to the cul-de-sac on Parcel D and the Remainder shall be improved to a Rural Class IA SRA standard and shall meet this standard at the time of</p>	Public Works	

<p>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>§16.12.170, County Subdivision Ordinance.</p>		
<p>4. A cul-de-sac shall be constructed at the terminus of the on-site easement road, located on Parcel D and the Remainder. 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 final 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 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>5. Prior to the construction of the onsite easement road, the fence along one side of the existing driveway shall be removed so that a road meeting County standards may be constructed. Should the applicant wish to reconstruct the removed fence line, the applicant and the Public Works Department shall agree on the minimum acceptable distance between the fence lines at the pre-construction meeting required as Condition of Approval No. 9.</p> <p>Staff Recommendation</p>	<p>Public Works</p>	
<p>6. An encroachment permit shall be obtained from the Mariposa County Public Works Department prior to any work being done on or adjacent to Hornitos 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.</p> <p>Chapter 11, County Improvement Standards</p>	<p>Public Works</p>	
<p>7. Access to Parcels A and B shall be limited to the proposed onsite easement, and no further encroachments shall be approved for Parcels A and B from Hornitos Road. A declaration shall be recorded with the parcel map, referenced on the parcel map and</p>	<p>Public Works</p>	

<p>made appurtenant to Parcels A and B. The declaration shall state the following:</p> <p>“Approved access for residential development of Parcel A and Parcel B as shown on the Parcel Map for Case and White, recorded in Book ___ of Parcel Maps at Page ___, Mariposa County Records is from <u>(insert approved road name)</u>. No further encroachment permits shall be issued to these parcels from Hornitos 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>8. A road maintenance association shall be formed to provide for the maintenance of the road in the onsite easement. 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 a period of not less than thirty (30) years 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, including the Remainder.</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>9. 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 a representative of the Public Works Department, a representative of CDF, the applicant,</p>	<p>Public Works</p>	

<p>the agent, 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. 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 Recommendation</p>		
<p>10. Prior to the commencement of any road improvements, road construction or other road building or maintenance activities required as a condition of approval for this project, the applicant shall contact the Regional Water Quality Control Board to determine if a General Permit for Discharges of Storm Water Associated with Construction Activity is required. If required, the applicant shall obtain the permit prior to commencement of construction activities. A copy of the approved permit or evidence that a permit is not required shall be submitted to the Public Works Department by the applicant prior to the onsite consultation meeting required by Condition of Approval No. 9. If a permit is required, all provisions and requirements of the permit shall be completed prior to recordation of the parcel map. The applicant shall submit to the Public Works Department evidence that the permit requirements have been met to the satisfaction of the RWQCB.</p> <p>State Water Quality Control Board Order No. 99-08-DWQ, National Pollutant Discharge Elimination System (NPDES)</p>	<p>Public Works</p>	
<p>11. 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 application. A letter shall be submitted to the County Surveyor by NRCS/RCD or the Public Works Department stating that the re-vegetation and erosion control provisions have been completed.</p>	<p>Public Works</p>	
<p>12. All cut and fill areas required for the construction of the proposed access road, outside of the designated road easement, shall be included within slope easements and shall be delineated as such on the parcel map. The location, width, and description of the easements shall be approved by the County Engineer.</p>	<p>Public Works</p>	
<p>13. A gate is installed across the onsite easement adjacent to the intersection of the onsite easement road and Hornitos Road. Prior to recordation of the parcel map, the type and location of the gate shall</p>	<p>Public Works</p>	



<p>be approved by the Public Works Director. If the gate is to be locked, the gate and lock shall be approved by the County Fire Chief, the County Sheriff, and the California Department of Forestry for emergency access purposes.</p> <p>Section II.I, Road Improvement and Circulation Policy</p>		
<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. A stop sign shall be placed onsite at the intersection of the onsite easement road and Hornitos 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. A road name sign for the onsite easement road shall be placed at the intersection of the onsite easement road and Hornitos 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, County Subdivision Ordinance</p>	Public Works	
<p>17. 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>	Public Works	
<b>CONDITION OF APPROVAL / MARIPOSA PLANNING</b>		
<p>18. The onsite easement road shall be named in accordance with the criteria of County Resolution No. 92-541. A Road Name Request application for the onsite easement road shall be submitted to the Planning Department and be approved by the Planning Director. The name of the road within the project site shall be shown on the parcel map.</p> <p>County Resolution 92-541</p>	Mariposa Planning	
<p>19. Project approval is valid for a period of three years from November 4, 2005. This approval shall expire on November 4, 2008.</p> <p>§16.12.430, Mariposa County Subdivision Code</p>	Mariposa Planning	

<p>20. 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 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. The applicant shall 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>21. 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>22. Open space easements shall be established 25 feet from the centerline of the seasonal drainage (blue line drainage as shown on the Catheys Valley USGS quad map) on Parcels A and D.</p> <p>A statement shall be recorded in Official Records concurrently with</p>	<p>Planning</p>	

the parcel map and referenced on the Parcel Map for Case and White, recorded in Book \_\_\_\_ of Parcel Maps at Page \_\_\_\_, Mariposa County Records, as follows: "No structures or roads shall be constructed within the open space easement as shown on this map except that which is necessary for the access of the agricultural uses and to facilitate the access to the residential uses allowed. Allowable uses shall include, but not be limited to, docks, decks, and other similar structures used for recreational purposes. No grading shall be allowed within the easement, except that which is necessary to facilitate the agricultural activities and the residential uses. Well pipes to a residence and underground power lines may be constructed within the open space easement subject to approval by the Planning Director. No vegetation may be removed from the easement except as determined necessary for fire protection or other safety purposes as determined by the appropriate emergency services agency and the Planning Director. This easement shall be in perpetuity and shall restrict the use of the land within the easement."

Mitigation Measure 4.b.1

**CONDITIONS OF APPROVAL/ HEALTH DEPARTMENT**

23. Soil profile holes shall be excavated on Parcels A, B, and D to the standards of the County Health Department and in the presence of the County Registered Environmental Health Specialist (R.E.H.S.), his authorized representative, or an authorized consultant to verify the feasibility of installing an on-site septic system on the parcels. If the County Registered Environmental Health Specialist approves the parcel for septic disposal based on the soil profile holes, a letter from the County R.E.H.S. stating no additional tests are required and this condition has been fulfilled for that parcel shall be submitted to the County Surveyor.

If the results of the soil profile holes do not demonstrate to the approval of the County R.E.H.S. that a conventional septic system can be installed on the parcel, percolation tests and additional soils analysis tests shall be performed on the parcel 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 recordation of the parcel/final 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 parcel(s). A statement shall be recorded in Official Records concurrently with the parcel map and referenced on the parcel map as follows:

"Approved percolation tests and soils analysis tests have been performed on Parcels A, B, and D as shown on the Parcel Map for Case and White, recorded in Book \_\_\_\_ of Parcel Maps at Page \_\_\_\_,"

County Health

<p>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; Health Department Recommendation</p>		
<p>24. Prior to recordation of the parcel map, the applicant shall provide evidence to the Mariposa County Health Department that the sewage disposal system serving the existing dwelling on proposed Parcel C is in a location that meets all applicable Health and Zoning Ordinance setback requirements for the new parcel.</p> <p>Health Department Recommendation</p>	<p>County Health</p>	
<p>25. Prior to the recordation of the parcel map, any mining excavation located on the project site shall be fenced or covered properly as required by the Health and Safety Code. The location and type of the fence or covering shall be approved by the Health Department prior to installation. Upon completion, the installation shall be approved by the Health Department. A letter stating that this condition has been met or is not applicable to the project from the Health Department shall be provided to the County Surveyor prior to the recordation of the map.</p> <p>Health Department Recommendation</p>	<p>County Health</p>	
<p>26. Prior to map recordation, the applicant shall choose either of the following options:</p> <p>(1) a non-exclusive easement shall be shown on the parcel map on the Parcel B. The easement shall encompass the well, well house, water lines and water tank which serve existing development on Parcel C. The easement along the alignment of the water lines shall be a minimum of 20 feet in width. The easement around the well shall be at least 25 feet in radius. The easement shall be created to allow routine maintenance and replacement activities on the well and water lines; or</p> <p>(2) a new well shall be drilled and developed to serve Parcel C.</p>	<p>County Health</p>	
<p><b>CONDITIONS OF APPROVAL/CALIFORNIA DEPARTMENT OF FORESTRY &amp; FIRE PROTECTION</b></p>		
<p>27. 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>	

**REMAINDER CONDITIONS**

<p>28. If the remainder is not shown on the recorded 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. This shall occur prior to recordation of the Certificate of Compliance for the remainder.</p>	<p>Public Works</p>	
<p>29. At the time of the recordation of the Certificate of Compliance for the remainder, the on-site access road from Hornitos Road to the remainder shall meet a minimum of a Rural Class IA standard. The required road improvements shall be completed in accordance with the County Road Improvement and Circulation Policy and the County Improvement Standards. A letter from the Public Works Department stating this condition has been met shall be submitted to the Planning Department prior to the recordation of the Certificate of Compliance. All costs for Public Works road inspections shall be the responsibility of the applicants.</p>	<p>Public Works</p>	
<p>30. The turnaround located at Parcel D and the Remainder as shown on the parcel map shall be improved to meet county standards and shall meet this standard at the time of the recordation of the Certificate of Compliance for the Remainder. The required turnaround 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 prior to the recordation of the parcel map  (Road Improvement and Circulation Policy, Public Works and Planning Recommendation, CDF Requirement).</p>	<p>Public Works</p>	
<p>31. 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 the Public Works Department. 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 Planning Department from NRCS/RCD or the Public Works Department stating that the re-vegetation control provisions have been completed prior to the recordation of the Certificate of Compliance for the Remainder.</p>	<p>Public Works</p>	
<p>32. A declaration shall be recorded with the parcel map and shall be referenced on the parcel map:  "A Certificate of Compliance must be obtained prior to issuance of a development permit on the designated remainder in accordance with Section 16.04.030 of Mariposa County Code."</p>	<p>Planning</p>	

§16.04.030, County Subdivision Ordinance		
33. A declaration shall be recorded concurrently with and referenced on the parcel map stating:  “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 as shown on the Parcel Map for Case and White, recorded in Book ____ of Parcel Maps at Page _____, Mariposa County Records, 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.”	Planning	
34. Open space easements shall be established 50 feet from the edge of the Bear Creek Reservoir and 25 feet from the centerline of the seasonal drainage (blue line drainage as shown on the Catheys Valley USGS quad map) on the Remainder prior to the recordation of the Certificate of Compliance for the Remainder. The easements shall be recorded in county records. The location of the easements and the format of the easement document shall be approved by the Planning Director prior to recordation of the Certificate of Compliance.  A statement shall be recorded in Official Records prior to or concurrently with the Certificate of Compliance and referenced on the Certificate of Compliance as follows: “No structures or roads shall be constructed within the open space easement except that which is necessary for the access of the agricultural uses and to facilitate the access to the residential uses allowed. Allowable uses shall include, but not be limited to, docks, decks, and other similar structures used for recreational purposes. No grading shall be allowed within the easement, except that which is necessary to facilitate the agricultural activities and the residential uses. Well pipes to a residence and underground power lines may be constructed within the open space easement subject to approval by the Planning Director. No vegetation may be removed from the easement except as determined necessary for fire protection or other safety purposes as determined by the appropriate emergency services agency and the Planning Director. This easement shall be in perpetuity and shall restrict the use of the land within the easement.”  Mitigation Measure 4.b.1	Planning	
<b>RECOMMENDATION ON OFFERS OF DEDICATION</b>		
Staff recommends that the Planning Commission recommend that the Public Works Director accept the offer of dedication for public	Public Works	

utilities, but reject the offer for public maintenance of the onsite easement road.  Mariposa Planning Recommendation		
Staff recommends that the Planning Commission recommend that the Public Works Director accept the re-offer of dedication for public utilities, access, and maintenance of that portion of Hornitos Road adjacent to the subject property.  Mariposa Planning Recommendation	Public Works	