

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. 2016-001

**A resolution conditionally approving Land Division No. 2015-110, Metropolis Property Group, Inc., applicants. Assessor Parcel Number 012-160-0820**

WHEREAS an application for Land Division No. 2015-110 was received on July 1, 2015 from Metropolis Property Group, Inc. for a property located at 4980 Hummingbird Lane, also known as Assessor Parcel Number 012-160-0820; and

WHEREAS Land Division Application No. 2015-110 proposes to divide a 115.01 acre parcel into four parcels of 6.00 and 7.89 and 5.18 and 10.10 acres and remainder of 85.84 acres; 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 22<sup>nd</sup> of January 22, 2016; 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,

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

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby approve Land Division No. 2015-110.

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

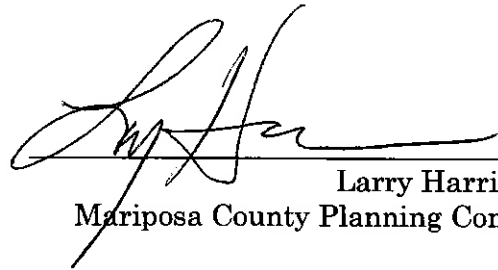
ON MOTION BY Commissioner Harter, seconded by Commissioner Herman this resolution is duly passed and adopted this 22<sup>nd</sup> day of January 22, 2015 by the following vote:

AYES: Harter, Herman, Becker, Kennec and Harris

NOES:

EXCUSED:

ABSTAIN:



Larry Harris, Chair  
Mariposa County Planning Commission

Attest:



Susan Hunter, Secretary  
Mariposa County Planning Commission

***Exhibit 1 - Project Findings for LDA No. 2015-110***

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

**EVIDENCE:** The cumulative effects of project implementation are expected to be minimal. The proposed minor subdivision of the 115 acre parcel with 4 new parcels – Parcel A (6.0 acres); Parcel B (7.89 acres), Parcel C (5.18 acres) and Parcel D (10.10 acres) with a remainder of 85.84 acres. The project site is adjoining previously established residential land use, and vicinity wide habitat fragmentation by State Highway 140, residential roads, ranch roads, and cattle grazing. Furthermore, the land uses anticipated will be similar in type and intensity to those currently found in the surrounding area. Consequently, project implementation is not anticipated to have significant cumulative effects on regional biological resources.

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 project has the potential to have a significant impact on special status species, the creek riparian area, and nesting birds. Mitigation measures are proposed to reduce potential project impacts on these issues to less than significant levels.

An open space setback of thirty (30) feet from the centerline of La Mineta Gulch where the creek is solely on the Metropolis property on Parcel B (a total setback of 60 feet) and 60 feet from the drainage's centerline where the centerline forms the project site boundary throughout the remainder of the site up to, but not crossing the road within the Remainder, which is designed to protect the stream and potential wetland area, shall be established and shown on the parcel map. The setback shall be as shown on Figure 8 on page 67 of the project's biological resources assessment. A statement shall be recorded in Official Records concurrently with the parcel map and referenced on the parcel map or shall be included on an additional map sheet which indicates its relationship to the parcel map.

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 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. 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 Mariposa County General Plan's Housing Element overall goal to *"Provide opportunities for an adequate supply of sound, affordable housing units for ownership and for rent in a safe and satisfying environment for the present and future residents of the County."* The land division satisfies the following Housing Element Objectives, including:

*"Provide Adequate Sites and Services"*. The required 60 foot wide non-exclusive access and public utility easement, which will be improved with a 20 foot wide, gravel road that provides access from Highway 140 has adequate capacity for the additional traffic generated by the new parcels created by this project.

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

**EVIDENCE:** The minimum parcel size, minimum density, and building intensity proposed by the project is consistent with standards contained in the Residential Land use of the General Plan and the Mountain Home Zone of 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.

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

**EVIDENCE:** The project will not conflict with any public easement. Affected utility companies have reviewed the proposed project and have not objected to the proposal. Sierra Telephone has requested that the developer contact the telephone company prior to construction in order that they can coordinate the location of telephone facilities and where it will be necessary to provide conduit. That information has been conveyed to the applicant.

**Exhibit 2 - Project Conditions for LDA No. 2015-110**

**Applicant: Metropolis Property Group, Inc.**

**File Number: LDA No. 2015-110**

The following conditions of approval were approved for this project in order to ensure compliance with county codes and policies. A completed and signed checklist indicates that the conditions have been complied with and implemented.

<b>Sign-Off Checklist for Conditions of Approval</b>		
CONDITIONS OF APPROVAL / PUBLIC WORKS DEPARTMENT	MONITORING DEPARTMENT	VERIFIED IMPLEMENTED
<p>1. The easement road from Hummingbird Lane to the proposed cul-de-sac shall be made a minimum 60 foot wide and non-exclusive. A turnaround easement with a radius of 60 feet shall be provided to encompass the required turnaround 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 easements shall be offered for dedication to the County of Mariposa. The offers of dedication shall be non-revocable and specifically state the dedications are for "public road and utility purposes."</p> <p>(Section 16.12.160.B, County Subdivision Ordinance; Road Standard Cross-sections, Road Improvement and Circulation Policy)</p>	PUBLIC WORKS	
<p>2. A statement shall be recorded in Official Records concurrently with the parcel map and referenced on the parcel map or shall be included on an additional map sheet which indicates its relationship to the parcel map. The statement shall be as follows:</p> <p style="padding-left: 40px;">"This notice is not intended to affect record title interest. Approved access to Parcels A, B, C, D and the Remainder as shown on the Parcel Map for Metropolis Property Group, Inc., is from _____"(insert approved road name)</p> <p>(Section 16.12.160.B, County Subdivision Ordinance; Section II.A.3, Road Improvement and Circulation Policy)</p>	PUBLIC WORKS	
<p>3. The proposed easement from the intersection of Hummingbird Lane at Parcels A &amp; B to the proposed on-site cul-de-sac shall be improved to a Rural Class I SRA standard</p>	PUBLIC WORKS	

<p>and Cal Fire standards and shall meet these standards at the time of Parcel Map recordation.</p> <p>(Section 16.12.170, County Subdivision Ordinance; Chart A and Section II.D.2.a, Road Improvement and Circulation Policy)</p>		
<p>4. Hummingbird Lane from Hwy 140 to the intersection of Parcel A &amp; Parcel B shall be improved to a Rural Class II SRA standard and shall meet this standard at the time of Parcel Map recordation.</p> <p>(Section 16.12.170, County Subdivision Ordinance; Chart A and Section II.D.2.a, Road Improvement and Circulation Policy)</p>	PUBLIC WORKS	
<p>5. A cul-de-sac shall be constructed as proposed on the tentative map, at the terminus of the required road improvements at the intersection of Parcels C, 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.</p> <p>(Section 11.4(B)(9) County Improvement Standards)</p>	PUBLIC WORKS	
<p>6. An encroachment permit shall be obtained from CalTrans prior to any work being done or adjacent to Highway 140. Compliance with CalTrans requirements is required for any highway encroachment improvements. An encroachment permit from the Mariposa County Public Works Department shall be obtained prior to any work being done on or adjacent to Hummingbird Lane.</p> <p>(Chapter 11, County Improvement Standards)</p>	PUBLIC WORKS	
<p>7. All grading and road improvement work required as a condition of approval of this project shall comply with the Mariposa County Improvement Standards and all requirements contained therein. The County Engineer may require engineered improvement plans prepared by a Registered Civil Engineer for any improvement required as a condition of approval for this project. If engineered improvement plans are required, the plan shall be approved by the County Engineer <u>prior</u> to commencement of construction work on the required road improvements.</p> <p>(Public Works Recommendation)</p>	PUBLIC WORKS	

<p>8. 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, Cal Fire, the applicant and/or the agent and Road Contractor shall occur. The Ag Commissioner, Sierra Telephone and Cal Trans shall be invited to the consultation meeting. The meeting shall be conducted on-site. This consultation meeting shall be setup 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 on-site inspection of road improvements.</p> <p>(Public Works Recommendation)</p>	<p>PUBLIC WORKS</p>	
<p>9. 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 applicant. 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>(Public Works and NRCS/RCD Recommendation)</p>	<p>PUBLIC WORKS</p>	
<p>10. 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>	<p>PUBLIC WORKS</p>	
<p>11. A stop sign shall be placed at the intersection of Hummingbird Lane and Hwy 140 to CalTrans standards. The design and placement shall be approved by CalTrans prior to installation.</p> <p>A stop sign shall be placed at the Intersection at Parcel A &amp; Parcel B and Hummingbird Lane. The stop signs shall be installed on metal breakaway type posts prior to map</p>	<p>PUBLIC WORKS</p>	

<p>recording. The design and placement of signs shall be approved by the County engineer prior to installation</p> <p>(Public Works Recommendation)</p>		
<p>12. A road name sign for the on-site easement shall be installed at the intersection of Parcel A and Parcel B and Hummingbird Lane prior to map recording. The location, 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>(Section 16.12.175, County Subdivision Ordinance)</p>	PUBLIC WORKS	
<p>13. (If the easement road is accepted by the County for public access but not for maintenance,) a sign stating "THIS ROAD IS NOT COUNTY MAINTAINED" shall be installed at the intersection of Hwy 140 and Hummingbird Lane. The design and specifications of the sign shall be in accordance with the County Improvement Standards.</p> <p>(Section III.A.4, Road Improvement and Circulation Policy)</p>	PUBLIC WORKS	
<p>14. A road maintenance association shall be formed to provide for the maintenance of the improved access road from the intersection of Hummingbird Lane and Parcel A &amp; Parcel B to and including the cul-de-sac. 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 recording of the parcel map and shall:</p> <ul style="list-style-type: none"><li>a. Be in effect for the life of the project unless said maintenance is taken over by the County, a special district, or other governmental entity.</li><li>b. Provide for annual maintenance and the immediate correction of emergency and hazard situations.</li><li>c. Include 100% of the parcels in the subdivision served by the access road.</li><li>d. Provide a mechanism for the road maintenance association to collect delinquent payments or</li></ul>	PUBLIC WORKS	



<p>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 style="text-align: center;">-and-</p> <p>Parcels A, B, C, D and the Remainder shall join the existing Road Maintenance Association for existing Hummingbird Lane from Highway 140 to the western boundary of the proposed easement on Parcel B.</p> <p style="text-align: center;">-or-</p> <p>The applicant shall join the existing Road Maintenance Association for Hummingbird Lane and the existing Road Maintenance Association shall be extended to encompass all of the access roads for this project. The Road Maintenance Association shall include Parcels A, B, C, D, and the Remainder.</p> <p>(Public Works Recommendation)</p>		
<p>15. A Verification of Taxes Paid Form, acquired no sooner than 30-days prior to the filing of the parcel map, shall be submitted to the County Surveyor.</p> <p>[COUNTY SUBDIVISION ORDINANCE SECTION 16.12.395]</p>	<p>PUBLIC WORKS</p>	
<p>16. The telephone company shall be contacted prior to construction in order to coordinate the location of telephone facilities, including conduit. This may occur through the consultation meeting required by Condition No. 7.</p> <p>An easement shall be recorded and shown on the parcel map in favor of Sierra Telephone for the existing on-site underground cable. The easement shall establish Sierra Telephone's right to maintain and/or replace the cable in the future, should it require repairing and/or replacing. The format and content of the easement shall be approved by Sierra Telephone. The alignment and width of the easement shall also be approved by Sierra Telephone.</p> <p>The applicant shall present a letter from the telephone company to the County Surveyor stating that these requirements have been met.</p> <p>(Public Works and Sierra Telephone Recommendation)</p>	<p>PUBLIC WORKS &amp;                  PLANNING                  DEPARTMENT</p>	

<p><b>CONDITIONS OF APPROVAL / DEPARTMENT OF FORESTRY AND FIRE PROTECTION</b></p>		
<p>17. Prior to Parcel Map recordation, the applicant shall have complied with all applicable SRA Fire Safe Regulations according to PRC 4290 regulations.</p> <p>Evidence that this condition has been satisfied shall be in the form of a letter from Cal Fire to the County Surveyor.</p> <p>(California Public Resources Code)</p>	<p>CAL-FIRE</p>	
<p><b>CONDITIONS OF APPROVAL / AGRICULTURAL COMMISSIONER</b></p>		
<p>18. Consultation with the Mariposa County Agriculture Commissioner regarding noxious weed control and identification is strongly recommended prior to the commencement of any road grading or maintenance associated with the project.</p> <p>(Agricultural Commissioner &amp; Planning Department Recommendation)</p>	<p>AGRICULTURAL COMMISSIONER</p>	
<p><b>CONDITIONS OF APPROVAL / HEALTH DEPARTMENT</b></p>		
<p>19. Prior to recordation of the Parcel Map, the applicant shall provide the Health Department a map, prepared by a licensed surveyor, showing the exact location of the approved percolations tests and soils analysis tests.</p> <p>(Section 16.12.330, County Subdivision Ordinance)</p>	<p>HEALTH DEPARTMENT</p>	
<p>20. The applicant has provided adequate evidence meeting both quality and quantity Proof of Water requirements for the project based on a well that was drilled on Parcel A. Because additional wells will be drilled at the time of sale the applicant shall record a disclosure statement concurrently with the Parcel Map and referenced on the Parcel Map or shall include the disclosure statement on an additional map sheet which indicates its relationship to the Parcel Map. The statement shall be the following:</p> <p>"This notice is not intended to affect record title interest. Water supplies for residential lands are derived from private wells on Parcels A, B, C, D, and the Remainder if shown on</p>	<p>HEALTH DEPARTMENT</p>	

<p>the Parcel Map as shown on the Parcel Map for Metropolis Property Group, Inc. 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>[(Mariposa County General Plan, Section 5.3.02.E(4)]</p>		
<p>21. Percolation tests and soils analysis tests have been performed on proposed Parcel A, B, C &amp; D in accordance with Health Department rules and regulations and health Department policy 03-01. A report meeting the requirements of Health Department Rules and Regulations has been submitted to the Mariposa County Health Department and approved by the County Environmental Health Specialist. A statement shall be recorded in Official Records concurrently with the parcel map and referenced on the parcel map as follows:</p> <p>“This notice is not intended to affect record title interest. The properties described as Parcel A, B &amp; C as shown on the Parcel Map for Metropolis Property Group, Inc., are required to be served by an alternative design on-site sewage disposal system which is to be installed in the exact area tested and approved by the Health Department unless the Health Department approves an alternate location as described below. Construction plans for the alternative design on-site sewage disposal system must be submitted to and approved by the Mariposa County Health Department prior to the issuance of a development permit for any construction activities other than a private well. A map showing the approved location and a report including percolation test and soil profile analysis results is on file at the Mariposa County Health Department. The alternative design on-site sewage disposal system is to be maintained in accordance with the Mariposa County Health Department Policy 03-01 which states, “A maintenance entity shall be required prior to approval and installation of a special design sewage disposal system on a land division. In lieu of a public entity, an operation and maintenance protocol issued by the manufacturer of a specific technology may be submitted for approval along with a service provider.” Said maintenance entity shall be created to provide maintenance on the engineered sewage disposal systems prior to</p>	<p>HEALTH DEPARTMENT</p>	

<p>issuance of a development permit for residential construction activities other than a private well.</p> <p>Percolation tests and soils analysis test show that conventional on-site sewage disposal systems cannot be constructed on Parcels A, B &amp; C as shown on the Parcel Map for Metropolis Property Group, Inc., filed in Book ___ at Page ___, Mariposa County Records, based upon limiting soil conditions; however, the test results meet the Health Department Land Division policy requirements for use of engineered, alternative design on-site sewage disposal systems. The State of California is in the process of developing Statewide on-site sewage disposal regulations that could affect the future installation of engineered, alternative design on-site sewage disposal systems; therefore, buyers are encouraged to check with the Mariposa County Health Department regarding State or local regulation changes that could affect the installation of an on-site sewage disposal system on this parcel.”</p> <p>(Health Department Recommendation)</p>		
<p>22. The applicant shall obtain a land development Burn Permit from the Mariposa County Air Pollution Control District prior to light any fires to dispose of brush, grass, trees and other flammable debris generated during ground clearing activities associated with compliance with the conditions outlined for this project.</p> <p>(Air Pollution Control District Recommendation / Regulations)</p>	<p>HEALTH DEPARTMENT</p>	
<p><b>CONDITION OF APPROVAL / MARIPOSA PLANNING</b></p>		
<p>23. Project approval is valid for a period of three years from January 22, 2016. This approval shall expire on January 22, 2019.</p> <p>(MARIPOSA COUNTY SUBDIVISION CODE SECTION 16.12.430)</p>	<p>PLANNING DEPARTMENT</p>	
<p>24. An open space setback shall be established and shown on the parcel map. The setback shall be thirty (30) feet from the centerline of La Mineta Gulch where the creek is solely on the Metropolis property on Parcel B (a total setback of 60 feet) and 60 feet from the drainage’s centerline where the centerline forms the project site boundary throughout the remainder of the site up to, but not crossing the road within the Remainder. The setback is established to protect the stream and potential</p>	<p>PLANNING AND PUBLIC WORKS</p>	

wetland area. The setback shall be as shown on Figure 8 on page 67 of the project's biological resources assessment. A statement shall be recorded in Official Records concurrently with the parcel map and referenced on the parcel map or shall be included on an additional map sheet which indicates its relationship to the parcel map. The statement shall be as follows:

"This notice is not intended to affect record title interest. There is an open space setback on Parcels B, C, D and the Remainder (if shown on the Parcel Map) as shown on the Parcel Map for \_\_\_\_\_ filed in Book of Maps \_\_\_\_ at Page \_\_\_\_, Mariposa County Records. The setback is thirty (30) feet from the centerline of La Mineta Gulch on Parcel B where the entirety of the creek is solely on that parcel and 60 feet from the centerline of the drainage where the drainage forms the east/north boundary of Parcels B, C, D and the Remainder up to but not crossing the physical roadway contained within the 60-foot wide right-of-way on the Remainder.

No structure or improvement shall be constructed within the open space setback except as provided below. A well or wells, water pipes, underground and above ground power lines, fencing and other similar structures or improvements may be constructed within the open space setback subject to approval by the Planning Director. Consultation with a qualified biological consultant, whose services shall be paid for by the property owner, may be required by the Planning Director in order to make a determination. No removal of vegetation shall be allowed within the open space setback, except as determined necessary by CalFire, and except as needed to implement the uses described in this and the following paragraph. No grading shall be allowed within the setback, except as needed to implement the uses described in this and the following paragraph.

Prior to any grading or construction activities occurring within this setback area, the owner of said lot shall contact the California Department of Fish and Wildlife to determine if a State Fish and Wildlife Code Section 1602 Streambed Alteration Notification is required. If required, the owner shall submit the notification and comply with all applicable requirements of Section 1600 et seq. of the State Fish and Wildlife Code.

Depending upon the location and nature of the construction, grading, or disturbance within the wetland or the setback area surrounding the wetland, the lot owner may be required to

<p>obtain from the Army Corps of Engineers permitting under Section 404 of the Clean Water Act. This agency shall be contacted prior to initiation of any disturbance to the setback area. If required, this permitting process will require a Section 401 Water Quality Certification from the Regional Water Quality Control Board.”</p> <p>(Planning Department Recommendation and CEQA Mitigation Measure)</p>		
<p>25. The proposed easement roads shall be allowed to cross ephemeral drainages as shown on the Biological Resources Map included in the Biological Assessment prepared for the project dated June 22, 2015. Prior to the commencement of any easement road improvements, road construction or other easement road building activities required as a condition of approval for this project, the applicant shall contact the California Department of Fish and Wildlife to determine if a State Fish and Wildlife Code Section 1602 Streambed Alteration Notification is required. If required, the applicant shall submit the notification and comply with all applicable requirements of Section 1600 et seq. of the State Fish and Wildlife Code. A copy of the Stream Alteration Agreement or evidence that such an Agreement is not required shall be submitted to the Mariposa County Public Works Department prior to the onsite consultation meeting required as a condition of approval for the project. If an Agreement is required, all provisions and requirements of the Agreement shall be completed prior to the filing of the final map. The applicant shall submit to the County Surveyor evidence that all Agreement requirements have been met to the satisfaction of the Department of Fish and Wildlife.</p> <p>Prior to initiation of any of the activities listed above, the project applicant shall obtain any required permitting pursuant to Section 404 of the Clean Water Act from the United States Army Corps of Engineers and, if such permitting is required, a Section 401 Water Quality Certification from the Regional Water Quality Control Board – Central Valley Region. The project proponent shall provide a copy of the permit and certification to the Mariposa County Public Works Department prior to the onsite consultation meeting required as a condition of approval for the project. If such permitting is required all provisions of the Section 404 permit and Section 401 water quality certification shall be completed prior to the filing of the final map. The applicant shall submit to the County Surveyor evidence that all permit and certification requirements have been met to the satisfaction of applicable agencies.</p>	<p>PLANNING DEPARTMENT</p>	

<p>26. Prior to road construction activities or any ground disturbing activities necessary to implement the project (conditions of approval and mitigation), a qualified biologist shall conduct preconstruction surveys for special-status wildlife species in areas to be disturbed within 15 days of the initiation of project activities. Should special-status species be found during this survey, the project proponent shall implement all measures required by a qualified biological consultant in consultation with appropriate regulatory agencies to reduce impacts to species to less than significant levels.</p>	<p>PLANNING DEPARTMENT</p>	
<p>27. Prior to the commencement of any road improvements, road construction or other road building or maintenance activities required as a condition of approval for this project, the applicant shall contact the 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. 4. 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 County Surveyor evidence that the permit requirements have been met to the satisfaction of the RWQCB.</p> <p>(State Water Control Board Order No. 99-08-DWQ, National Pollutant Discharge Elimination System (NPDES); Mitigation Measure).</p>	<p>PLANNING DEPARTMENT</p>	
<p>28. An open space setback encompassing site P-22-887 as identified in the cultural resources investigation of the project site and an area of 35 feet surrounding the site shall be established and shown on the parcel map. A statement shall be recorded in Official Records concurrently with the parcel map and referenced on the parcel map or shall be included on an additional map sheet which indicates its relationship to the parcel map. The statement shall be as follows:</p> <p>"This notice is not intended to affect record title interest. No structure shall be constructed within the open space setback as shown on the Parcel Map for _____, recorded in Book _____ of Parcel Maps at Page _____, Mariposa County Records.</p>	<p>PLANNING DEPARTMENT</p>	

<p>No portion of a sewage disposal system shall be allowed within the setback. No grading or ground disturbance shall be allowed within the setback. This setback shall be in perpetuity and shall restrict the use of the land within the setback.”</p>		
<p>29. In the event human remains or artifacts are discovered during ground disturbance on the project site, a Native American monitor shall be on-site for the duration of ground disturbance. During road grading, soil testing and/or construction, or any activity that involves ground disturbance necessary to implement project conditions of approval, if any signs of prehistoric, historic, archaeological, paleontological resources are evident, all work activity within fifty feet of the find shall stop and the Mariposa County Planning Department shall be notified immediately. No work shall be done within fifty feet of the find until Planning has identified appropriate measures to protect the 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 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 applicable regulations. In addition to the Planning Department, the Mariposa County Coroner and American Indian Council of Mariposa County shall be notified should human remains be discovered. Representatives of the American Indian Council of Mariposa County shall be requested to be on-site during disturbance and/or removal of human remains.</p> <p>(Planning Department Recommendation)</p>	<p>PLANNING DEPARTMENT</p>	
<p>30. Any tree removal or pruning that is necessary to implement the project’s conditions of approval relating to easement road construction shall occur between September 15 and January 31, the time-frame which is outside of the general avian breeding/nesting season. Should such tree removal or pruning occur between January 31 and September 15 a pre-construction survey conducted by a qualified biologist/botanist shall be required to determine if such removal violates the provisions of Fish and Wildlife Code sections 3503, 3503.5 and 3513. The survey shall be conducted no more than 15 days prior to tree removal or pruning. A copy of the survey shall be submitted to the California Department of Fish and Wildlife, Region 4. If these code sections will be violated by tree removal or pruning</p>	<p>PLANNING DEPARTMENT</p>	



<p>between January 31 and September 15, mitigation measures established by the qualified biologist/botanist in consultation with the California Department of Fish and Wildlife shall be implemented to reduce impacts of this tree removal or pruning to less than significant levels. The Planning Department shall be provided a copy of the results of any survey conducted and evidence that any required mitigation measures have been implemented prior to such tree removal/pruning on the site.</p> <p>(Planning Department Recommendation and CEQA Mitigation Measure)</p>		
<p>31. 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>(MARIPOSA COUNTY ORDINANCE NO. 1017)</p>	<p>PLANNING DEPARTMENT</p>	
<p>32. Prior to filing 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 (\$2,210.25 as of 1/1/16) and the County Clerk fee</p>	<p>PLANNING DEPARTMENT</p>	

<p>(\$50.00 as of 1/1/16) shall be paid by the applicant within five (5) working days of the approval of the application (by Friday, January 22, 2016), because if the fee is not paid within 5 working days, and the Notice of Determination is not filed with the County Clerk prior to close of business on Friday, January 29, 2016 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 \$2,260.25 (effective 1/1/16), and that it be in the form of a cashier's 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 to file this fee and other required documents with the County Clerk.</p> <p>Note, the filing fees are adjusted annually, effective January 1<sup>st</sup> of each year, pursuant to Fish and Game Code. (§16.12.390, Mariposa County Subdivision Code; 711.4(c) of the State Fish and Game code)</p> <p>(Mariposa Planning Recommendation)</p>		
<p>33. All County fees for processing of this project shall be paid within forty-five (45) days of the date of billing.</p> <p>(Mariposa Planning Recommendation)</p>	<p>PLANNING DEPARTMENT</p>	
<p>34. The approved road name for the easement from intersection of Hummingbird Lane and Parcel A &amp; Parcel B to the cul-de-sac is La Mineta Gulch Road in accordance with County Resolution No. 92-541. Approval of the road name shall be tentative, until the map is filed.</p> <p>The name of the road within the project site shall be shown on the parcel map.</p> <p>(Mariposa County Resolution No. 92-541)</p>	<p>PLANNING DEPARTMENT</p>	
<p>35. A declaration shall be recorded with the parcel map and shall be referenced on the parcel map or shall be included on an additional map sheet which indicates its relationship to the final map. The declaration shall be:</p> <p>"This notice is not intended to affect record title interest. A Certificate of Compliance must be obtained prior to issuance of any county development permit (including, but not limited to a well permit, a septic permit, a grading</p>	<p>PLANNING DEPARTMENT</p>	

<p>permit, an electrical permit, and/or a structure permit) on the designated Remainder on the Parcel Map for Metropolis Property Group, Inc., in accordance with Section 16.04.030 of Mariposa County Code. All of the subdivision conditions for the Remainder as established by the Planning Commission shall be met prior to issuance of the Certificate of Compliance. The Remainder is not a parcel available for sale, lease or finance until the Certificate of Compliance is issued. The Remainder may or may not be surveyed. Fees associated with the application for and recordation of the certificate of compliance shall be paid by the applicant.” [If the Remainder is not shown on the parcel map, a legal description (typed, stamped and signed legal descriptions along with lot closure computations) prepared by a land surveyor or other qualified individual will be required.]</p> <p>(Section 16.04.030, County Subdivision Ordinance; Planning Department Recommendation)</p>		
<p>36. Subdivision Map Act Section 66434.2 applies to the recordation of the parcel map for this project.</p> <p>(Planning Department Recommendation)</p>	<p>PLANNING DEPARTMENT</p>	
<p>37. The name of the road shall be shown on the Parcel Map for the subdivision in accordance with this condition. Approval of the road name shall be La Mineta Gulch Road and is tentative until the map is filed and the road is constructed. Road name signs shall be placed in the required locations as per Condition No. 12. This office will notify all affected agencies of the new road name when the Parcel Map is recorded.</p>	<p>PLANNING DEPARTMENT</p>	
<p><b>CONDITIONS OF APPROVAL - REMAINDER</b></p>		
<p>38. Prior to receiving a certificate of compliance for the remainder, soils testing shall be conducted in accordance with Health Department Policy 03-01 and Health Department Rules and Regulations section .063. The soils report shall be submitted to the Health Department for approval. Any onsite sewage disposal system approved for installation on the remainder shall meet the minimum soils depth requirements of Health Department Policy 03-01.</p>	<p>HEALTH DEPARTMENT</p>	
<p>39. All access roads and cul-de-sac as approved by Planning</p>	<p>PLANNING</p>	

<p>Commission Resolution approving LDA 2015-110 shall meet the standards required in the Conditions of Approval prior to recordation of the Certificate of Compliance for the Remainder.</p> <p>(PLANNING DEPARTMENT RECOMMENDATION)</p>	<p>DEPARTMENT</p>	
<p>40. 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, a legal description prepared by a land surveyor or other qualified individual will be required.</p> <p>(PLANNING DEPARTMENT RECOMMENDATION)</p>	<p>PLANNING DEPARTMENT</p>	
<p>41. If the Remainder is not shown on the final map the applicant shall record a disclosure statement concurrently with the Certificate of Compliance and referenced on the Certificate of Compliance or shall include the disclosure statement on the Certificate of Compliance. The statement shall be the following:</p> <p>“This notice is not intended to affect record title interest. Water supplies for residential lands are derived from private wells on the Remainder as shown on or created by this Parcel Map for _____. 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>This requirement may also be met at the time the parcel map is recorded (if the notice includes reference to the Remainder).</p> <p>[MARIPOSA COUNTY GENERAL PLAN, SECTION 5.3.02.E(4)]</p>	<p>PLANNING DEPARTMENT</p>	
<p>42. The Remainder may be shown on the parcel map in order for all required easements to be created. 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</p>	<p>PLANNING DEPARTMENT</p>	

<p>along with lot closure computations) of the Remainder. The legal description must be approved by the County Surveyor prior to recordation of the Certificate of Compliance.</p>		
<p>43. An open space setback of thirty (30) feet from the centerline of La Mineta Gulch where the creek is solely on the Metropolis property on Parcel B (a total setback of 60 feet) and 60 feet from the drainage's centerline where the centerline forms the project site boundary throughout the remainder of the site up to, but not crossing the road within the Remainder, which is designed to protect the stream and potential wetland area, shall be established and shown on the parcel map. The setback shall be as shown on Figure 8 on page 67 of the project's biological resources assessment. A statement shall be recorded in Official Records concurrently with the parcel map and referenced on the parcel map or shall be included on an additional map sheet which indicates its relationship to the parcel map. The statement shall be as follows:</p> <p>"This notice is not intended to affect record title interest. There is an open space setback on Parcels B, C, D and the Remainder as shown on the Parcel Map for _____ filed in Book of Maps ___ at Page ___, Mariposa County Records. The setback is thirty (30) feet from the centerline of La Mineta Gulch on Parcel B where the entirety of the creek is solely on that parcel and 60 feet from the centerline of the drainage where the drainage forms the east/north boundary of Parcels B, C, D and the Remainder up to but not crossing the physical roadway contained within the 60-foot wide right-of-way on the Remainder.</p> <p>No structure or improvement shall be constructed within the open space setback except as provided below. A well or wells, water pipes, underground and above ground power lines, fencing and other similar structures or improvements may be constructed within the open space setback subject to approval by the Planning Director. Consultation with a qualified biological consultant, who services shall be paid for by the property owner, may be required by the Planning Director in order to make a determination. No removal of vegetation shall be allowed within the open space setback, except as determined necessary by CalFire, and except as needed to implement the uses described in this and the following paragraph. No grading shall be allowed within the setback, except as needed to implement the uses described in this and the following paragraph.</p>	<p>PLANNING DEPARTMENT</p>	

<p>Prior to any grading or construction activities occurring within this setback area, the owner of said lot shall contact the California Department of Fish and Wildlife to determine if a State Fish and Wildlife Code Section 1602 Streambed Alteration Notification is required. If required, the owner shall submit the notification and comply with all applicable requirements of Section 1600 et seq. of the State Fish and Wildlife Code.</p> <p>Depending upon the location and nature of the construction, grading, or disturbance within the wetland or the setback area surrounding the wetland, the lot owner may be required to obtain from the Army Corps of Engineers permitting under Section 404 of the Clean Water Act. This agency shall be contacted prior to initiation of any disturbance to the setback area. If required, this permitting process will require a Section 401 Water Quality Certification from the Regional Water Quality Control Board.”</p> <p>(Planning Department Recommendation and CEQA Mitigation Measure)</p>		
<p>44. An open space setback encompassing site P-22-887 as identified in the cultural resources investigation of the project site and an area of 35 feet surrounding the site shall be established and shown on the parcel map. A statement shall be recorded in Official Records concurrently with the parcel map and referenced on the parcel map or shall be included on an additional map sheet which indicates its relationship to the parcel map. The statement shall be as follows:</p> <p>“This notice is not intended to affect record title interest. No structure shall be constructed within the open space setback as shown on the Parcel Map for _____, recorded in Book ___ of Parcel Maps at Page ___, Mariposa County Records. No portion of a sewage disposal system shall be allowed within the setback. No grading or ground disturbance shall be allowed within the setback. This setback shall be in perpetuity and shall restrict the use of the land within the setback.”</p>	<p>PLANNING DEPARTMENT</p>	

<b>Agency Contact List</b>				
AGENCY	CONTACT	PHONE NUMBER EMAIL	SITE ADDRESS	MAILING ADDRESS
Mariposa Planning	Eileen Collins	209-742-1220 ecollins@mariposacounty.org	5100 Bullion Street Mariposa CA 95338	P.O. Box 2039 Mariposa CA 95338
Public Works	Cheryl Jay	209-966-5356	4639 Ben Hur Road Mariposa CA 95338	Same as site
Health Department	Dave Conway	209-966-2220	5100 Bullion Street Mariposa CA 95338	P.O. Box 5 Mariposa CA 95338
Mariposa County Resource Conservation District		209-966-3431	5009 Fairgrounds Rd Mariposa CA 95338	P.O. Box 746 Mariposa CA 95338
County Assessor	Sarah Brewster	966-2332	4982 10th Street Mariposa CA 95338	P.O. Box 35 Mariposa CA 95338
County Fire	Curtis Jackson	209-966-4330	5082 Bullion Street Mariposa CA 95338	P.O. Box 162 Mariposa CA 95338
Cal. Dept of Forestry and Fire Protection	Darrin McCulley	209-966-3622	5366 Highway 49 North Mariposa CA 95338	Same as site

**Certificate of Completion:**

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

\_\_\_\_\_  
 Environmental Coordinator

\_\_\_\_\_  
 Date

***Explanation of Headings:***

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

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