

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

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution
No. 2008-42

A resolution conditionally approving Land Division Application No. 2006-355; Henri Oliver, applicant. Assessors Parcel Number 014-160-082

WHEREAS an application for land division was received on December 20, 2006 from Henri Oliver for a property located at 5470 Allred Road, near the intersection of Morningstar Lane and Allred Road, approximately 1.3 miles from Carlton Road, also known as Assessor Parcel Number 014-160-082; and

WHEREAS revisions to the tentative parcel map were required, and revised maps were received on the project on March 23, 2007; and

WHEREAS the project proposes the division of an approximately 68.37 acre parcel into four parcels of between 5.35 acres and 8.98 acres each and a Remainder of 41.6 acres; and

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

WHEREAS primary access to the project site is reviewed from Carlton Road via Morningstar Lane; and

WHEREAS a portion of Allred Road fronts the project site and is county maintained road; and

WHEREAS the applicant proposed specific frontage and off-site improvements to Allred Road to bring this section of the road to the Rural Class II standard and these improvements enable the county to find that the roads providing primary access to the project site have adequate capacity for existing traffic plus the traffic created by the project; and

WHEREAS a duly noticed public hearing was scheduled for the 19th day of December 2008; 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 applicant amended his project prior to the public hearing relative to access to the existing improvements on the Remainder to propose an on-site driveway to be constructed from the on-site access road; 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 Staff Report, the Initial Study, the project description, the amended project, staff's recommended amended conditions, and the comments of the applicant's agent.

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

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby approve Land Division Application No. 2006-355.

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

ON MOTION BY Commissioner Rudzik seconded by Commissioner Ross, this resolution is duly passed and adopted this 19th day of December 2008 by the following vote:

AYES: Francisco, Ross, Rudzik, Skyrud, and DeSantis

NOES: None

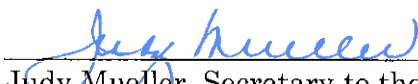
EXCUSED: None

ABSTAIN: None



Skip Skyrud, Chair
Mariposa County Planning Commission

Attest:



Judy Mueller, Secretary to the
Mariposa County Planning Commission

EXHIBIT 1
PROJECT FINDINGS
FOR
Land Division Application No. 2006-355

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

EVIDENCE: Based on site inspection and the proposed division of the existing parcel into four parcels and a remainder of greater than five acres each, and considering the existing development and development areas on each parcel and the remainder, the site is physically suited for low-density homes and appurtenant improvements such as septic systems provided that the conditions of approval regarding the percolation and soils analysis tests are met. The proposed project is located within the Mountain Home zone and the Residential Land Use Classification. The subdivision density is designed in accordance with the Mountain Home zone and Residential 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 and the proposed mitigation measures, it would have a less than significant effect on the environment. This project is fairly limited in its scope, and will result in four additional parcels being created. The remainder is already fully developed with residential improvements. There is access to the project site already, from a developed county-maintained road. The land is currently and will continue to be used primarily for residential purposes. There are no significant drainages on-site. Mitigation is incorporated into the project to protect existing protected sensitive biological species from project impacts. The project is subject to the California Department of Fish and Game filing fees for a mitigated negative declaration as required by California Fish and Game Code §711.4(d)(4) and a County Clerk fee.

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 and continued 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 sewage disposal systems on the parcels to be developed. The proper location and implementation of these improvements will ensure that serious health problems will not occur on the site. The project includes improvements to bring a portion of Allred Road up to "adequate

capacity” standards. 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 (Mariposa County General Plan, 2006) and specific plans as specified in Government Code Section 65451.

EVIDENCE: This project has been processed in accordance with the 2006 Mariposa County General Plan. The land division is the initial step in the process to help accomplish the General Plan’s Housing Element overall goal to “...provide an adequate supply of sound, affordable housing units in a safe and satisfying environment for the present and future residents of the County...” The land division satisfies the following Housing Element Policy: “to ensure that there are adequate sites and facilities available to support future housing needs.” There is no specific plan governing this property.

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

EVIDENCE: This project has been processed in accordance with the 2006 Mariposa County General Plan. The minimum parcel size/density proposed by the project is consistent with standards contained in the 2006 General Plan (Residential land use) and the Zoning Ordinance (Mountain Home zone). 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. Although there are multiple access routes to the project site, primary access to the site is reviewed from Carlton Road via Morningstar Lane and Allred Road, as it is the shortest distance to a designated “minor collector”. Morningstar Lane has sufficient width for existing traffic plus traffic created by the subdivision (paved travel lanes are 20 feet plus). Based upon the applicant’s proposal, the portion of Allred Road which serves the project will be improved to the appropriate classification (Chart A, Road Improvement and Circulation Policy) to serve the existing average daily traffic (ADT) plus the project ADT. Consequently, it is found that access to the project site has adequate capacity as required by the 2006 General Plan for a residential subdivision.

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 will cause no permanent conflict with public access rights. Affected utility companies have reviewed the proposed project, have not objected to the proposal and will be involved with review of future encroachment improvements. Necessary offers of dedication for the public roads which exist on this parcel are required for the project.

EXHIBIT 2
CONDITIONS OF APPROVAL
FOR
Land Division Application No. 2006-355

Project Name: Land Division for Henri Oliver

File Number: LDA No. 2006-355

Project Approval Date: December 19, 2008

The following conditions of approval were adopted 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.

Sign-Off Checklist for List of Conditions of Approval and Mitigation Measures		Monitoring Dept.	Verified Implemented
Project Description			
<p>Land Division Application No. 2006-355 proposes to divide an approximately 68.37 acre parcel into 4 parcels between 5.35 and 8.98 acres and a Remainder of 41.6 acres in size.</p> <p>The applicant proposes to make frontage improvements to Allred Road to address the "adequate capacity" requirements for residential subdivisions of the Mariposa County General Plan. The applicant proposes to improve a portion of Allred Road, between the intersection of Allred Road and Morningstar Lane and the northwestern corner of Parcel B, to a Rural Class II road. The portion of the road to be improved is shown on a drawing attached to the applicant's proposal (dated November 20, 2008).</p> <p>These frontage improvements will be done in accordance with standards established in the County Improvements Standards. An encroachment permit will be obtained for the work. All proposed improvements will be completed and "signed off" (approved) by the Public Works Department prior to filing of the parcel map.</p>			
CONDITIONS OF APPROVAL / PUBLIC WORKS DEPARTMENT			
<p>1. A dedication of a minimum of 30 feet from the centerline of Allred Road on-site shall be offered to the County of Mariposa. The offer of dedication shall be non-revocable and non-exclusive and specifically state on the parcel map that the dedication is for "public road and</p>	Public Works		

<p>public utility purposes." The location and width of the offer of dedication shall be approved by the County Engineer. The offer of dedication shall include all dedication required to encompass the existing slopes.</p> <p><i>The Planning Commission recommends that the Public Works Director accept the offer of dedication for public access, maintenance and utilities for Allred Road.</i></p> <p>(Section 16.12.150, County Subdivision Ordinance; Section II.A.3, Road Improvement and Circulation Policy).</p>		
<p>2. The proposed on-site easement from Allred Road to Parcel D shall be made 60 feet wide and non-exclusive. A turnaround easement with a radius of 60 feet shall be provided as proposed, to encompass the required turnaround improvements. 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>	<p>Public Works</p>	
<p>3. The on-site easement from Allred Road to Parcel D shall be improved to a Rural Class I SRA standard and shall meet this standard at the time of parcel map recordation. The required road improvements shall be completed in accordance with the Road Improvement and Circulation Policy and the County Improvement Standards and shall be approved by the County Engineer at the time of recordation of the parcel map. The County Engineer may require engineered improvement plans prepared by a Registered Civil Engineer for any improvements required as a condition of approval for this project. If engineered improvement plans are required, the plans shall be approved by the County Engineer prior to commencement of construction work on the required road improvements.</p> <p>(Section 16.12.170, County Subdivision Ordinance; Chart A and Section II.D.2.a, Road Improvement and Circulation Policy)</p>	<p>Public Works</p>	
<p>4. A cul-de-sac shall be constructed at the terminus of the required road improvements at the intersection of Parcels C and D as shown on the tentative parcel map. 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</p>	<p>Public Works</p>	

<p>recordation of the parcel map. CalFire requirements for the cul-de-sac shall be met as well. At the time of recordation of the parcel map, the County Surveyor shall confirm that this condition has been met.</p> <p>(Section 11.4(B)(9) County Improvement Standards)</p>		
<p>5. An encroachment permit shall be obtained from Public Works prior to any work being done on or adjacent to Allred Road pursuant to the project description (frontage / encroachment improvements) described above. All encroachment improvements shall be completed as required by Public Works prior to the filing of the parcel map.</p> <p>The encroachment improvements shall be completed within the existing county right-of-way or the new on-site dedication, unless the applicant is able to obtain additional right-of-way from the adjacent property owner (west of Allred road) prior to commencement of the frontage / encroachment improvement construction work.</p> <p>(Chapter 11, County Improvement Standards / Project Description)</p>	<p>Public Works</p>	
<p>6. Prior to the commencement of any encroachment improvements described in the project description, a consultation meeting with the Public Works Department, the applicant, and the road contractor shall occur. Representatives from Sierra Telephone shall be invited to attend as well. This meeting shall be conducted on-site. 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 fencing, flagging and signing required by mitigation measures (Elderberry / Valley Elderberry Longhorn Beetle) shall be in place prior to the scheduling of this meeting.</p> <p>Public Works shall verify that this condition has been met prior to construction of any encroachment or road improvements approved for this project and prior to the scheduling of any on-site inspection of the encroachment or road improvements.</p> <p>(Public Works Recommendation)</p>	<p>Public Works</p>	
<p>7. Prior to commencement of any encroachment / frontage improvements described in the project description, and prior to the consultation meeting described above, the applicant shall contact the telephone company in order to coordinate the location of telephone facilities, including conduit, along Allred Road in the area of the widening / frontage improvement work. The applicant shall</p>	<p>Public Works</p>	

<p>present a letter from the telephone company or other evidence to the Public Works Department stating or evidencing that this requirement has been met.</p> <p>(Public Works Recommendation)</p>		
<p>8. Immediately upon completion of the encroachment, frontage and road improvements, the applicant shall re-vegetate all exposed soils and install other erosion control as recommended by the Resource Conservation District (RCD). The applicant shall also contact the RCD for an inspection. Inspection fees shall be the responsibility of the applicant. A letter shall be submitted to the County Surveyor by RCD stating that the re-vegetation and erosion control provisions have been completed.</p> <p>(§15.28.120, Mariposa County Buildings and Construction Code)</p>	<p>Public Works</p>	
<p>9. All grading, frontage and road and encroachment improvement work approved for 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 conditional of approval for this project. If engineered improvement plans are required, the plan shall be approved by the County Engineer prior to commencement of construction work on the required road improvements.</p> <p>(Mariposa County Improvement Standards)</p>	<p>Public Works</p>	
<p>10. The applicant shall contact the Homeowner's or Road Maintenance Association (or equivalent) for Morningstar Lane and shall request permission for the four project parcels and Remainder to annex into the existing association for road maintenance purposes for Morningstar Lane.</p> <p>If permission is granted, the applicant shall file a "notice of annexation to the Morningstar Lane Road Maintenance Association" (or substitute appropriate association name). The notice shall specify that the project parcels and Remainder are subject to all conditions and by laws of the association, including road maintenance and improvement assessment fees, established by the association for Morningstar Lane. This notice shall be filed concurrently with and referenced on the parcel map.</p> <p>If the applicant is denied permission for annexation, the applicant shall submit evidence to the County Surveyor which indicates that</p>	<p>Public Works</p>	

<p>the required contact and request was made and denied.</p> <p>(Public Works Recommendation)</p>		
<p>11. Access to Parcels A and B shall be limited to the on-site access roads. No further encroachment permits to Allred Road for these parcels will be granted. A declaration shall be recorded with the parcel map, referenced on the parcel map and made appurtenant to Parcels A and B. The declaration shall state the following:</p> <p>“Approved access for residential development of Parcels A and B, as shown on the Parcel Map for ___ is from ___ (<i>insert approved road name</i>), and no additional encroachments shall be granted to these parcels from Allred 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>12. A road maintenance association shall be formed to provide for the maintenance of the on-site easement roads. Maintenance shall include, but not be limited to, drainage and erosion control devices, fuel modification, and upkeep of road surfaces. The Road Maintenance Association provisions shall be developed by the applicant so those parcels and the Remainder served by the easement roads shall be responsible for road maintenance. These provisions shall be reviewed and approved by the County Engineer prior to recordation of the parcel map and shall:</p> <ol style="list-style-type: none"> 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. b. Provide for annual maintenance and the immediate correction of emergency and hazard situations. c. Include 100% of the parcels and the Remainder in the subdivision served by the access roads. 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. e. Provide a mechanism for new parcels to be added to the association. <p>(Public Works Department Recommendation; Section II.I, Road</p>	<p>Public Works</p>	

Improvement and Circulation Policy)		
<p>13. All required signs shall be installed on metal, break-away type posts. The design and placement of signs shall be approved by the County Engineer prior to installation.</p> <p>(Public Works Department Recommendation)</p>	Public Works	
<p>14. A stop sign shall be placed at the intersection of the on-site easement and Allred Road. The stop sign 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>15. If the on-site easement 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 Allred Road and the on-site easement. 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>16. A road name sign for the on-site easement road shall be placed at the intersection of the easement road and Allred Road. The design and specifications of the sign shall be in accordance with the Mariposa County Improvement Standards.</p> <p>(Section 16.12.175, County Subdivision Ordinance).</p>		
<p>17. 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>(§16.12.395, Mariposa County Subdivision Code)</p>	Public Works	
CONDITIONS OF APPROVAL / MARIPOSA PLANNING		
<p>18. Project approval is valid for a period of three years from December 19, 2008. This approval shall expire on December 19, 2011, unless a time extension is approved by the Planning Commission. An application for a time extension must be submitted by the applicant prior to the expiration date.</p> <p>(§16.12.430, Mariposa County Subdivision Code)</p>	Mariposa Planning	

<p>19. The on-site easement road from Allred Road to Parcel D shall be named in accordance with the criteria of County Resolution No. 92-541. A Road Name Request application shall be submitted to the Planning Department and be approved by the Planning Director. The name of the road shall be shown on the parcel map.</p> <p>(County Resolution No. 92-541)</p>	<p>Mariposa Planning</p>	
<p>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 (\$1,876.75 as of 1/1/08) and the County Clerk fee (\$50.00 as of 1/1/08) shall be paid by the applicant within five (5) working days of the approval of the application (by Tuesday, December 30, 2008), 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 Tuesday, December 30, 2008 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 \$1,926.75 (effective 1/1/08), 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 to file this fee and other required documents with the County Clerk.</p> <p>Note, the filing fees are adjusted annually, effective January 1st of each year, pursuant to Fish and Game Code.</p> <p>(NOTE County Offices are closed on December 25 and December 26. These fees WILL INCREASE effective January 1st, 2009.</p> <p><i>For filing a Notice of Determination on or after January 1st 2009, these fees are \$1993.00 and \$50.00, or a total of \$2043.00).</i></p> <p>(§16.12.390, Mariposa County Subdivision Code; (California Department of Fish and Game Requirement)</p>	<p>Mariposa Planning</p>	
<p>21. Subdivision Map Act Section 66434.2 applies to the filing of the parcel map for this project.</p> <p>(Planning Department Recommendation)</p>	<p>Mariposa Planning</p>	
<p>22. A statement shall be filed in Official Records concurrently with the parcel map and referenced on the parcel map as follows:</p> <p>"Pursuant to the 'adequate capacity' requirements of the Mariposa County General Plan, the approved access to Parcels A,</p>	<p>Mariposa Planning</p>	

<p>B, C, D and the Remainder as shown on the Parcel Map for ____ is from Carlton Road, via Morningstar Lane.”</p> <p>(Planning Staff Recommendation)</p>		
<p>23. 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. A letter from the Planning Department shall be submitted to the County Surveyor stating this condition has been met.</p> <p>(§16.36.030, Mariposa County Subdivision Ordinance)</p>	<p>Mariposa Planning</p>	
<p>24. A declaration shall be recorded with the parcel map and shall be referenced on the parcel map:</p> <p>“A Certificate of Compliance must be obtained prior to issuance of a development permit on the designated Remainder as shown on the Parcel Map for ____ in accordance with Section 16.04.030 of Mariposa County Code.”</p> <p>(Section 16.04.030, County Subdivision Ordinance)</p>	<p>Mariposa Planning</p>	

<p>25. A declaration shall be recorded concurrently with and referenced on the parcel map stating:</p> <p style="padding-left: 40px;">“There shall be no county development permit (including, but not limited to a well permit, a septic permit, a grading permit, an electrical permit, and/or a structure permit) issued to the Remainder as shown on the Parcel Map for ___ until all of the subdivision conditions for the Remainder as established by the Planning Commission have been met. The Remainder is not a parcel available for sale, lease or finance until all of the subdivision conditions for the Remainder have been met. The Remainder may or may not be surveyed.”</p> <p>(Planning Department Recommendation)</p>	<p>Mariposa Planning</p>	
<p>26. The Remainder shall be shown on the parcel map, in order for all required easements to be created.</p> <p>(Planning Department Recommendation)</p>	<p>Mariposa Planning</p>	
<p>27. An open space setback shall be established and shown on the Parcel map for the population of Mariposa Lupine (<i>Lupinus citrinus var. deflexus</i>) which is located in the southeastern corner of the Remainder. The width of the easement shall be 100 feet from the edge of the current population as approved by the project biologist, unless a reduction in width is approved by the Department of Fish and Game and the project biologist, based upon discussions between the project biologist and the Department of Fish and Game. A statement shall be recorded in Official Records concurrently with the parcel map and referenced on the parcel map as follows:</p> <p style="padding-left: 40px;">“No structure shall be constructed within the open space setback as shown on Remainder on the Parcel Map for _____. No portions of a sewage disposal system shall be constructed within the open space setback. No grading shall be allowed within the setback. No well or wells, water pipes, underground and above ground power lines, fencing, and other similar structures or improvements shall be allowed within the open space setback. This setback shall be in perpetuity except as specifically provided herein and shall restrict the use of the land within the setback. The restrictions established for this setback shall be in place and effective until such a time as the Mariposa Lupine plants die of natural causes, (which may include a wildland fire) or are delisted and shall restrict the use of the land within the setback.”</p> <p>Additionally, the perimeter of the open space setback shall be fenced with sturdy barbwire fencing to protect the plants from trampling from livestock or off-road vehicles. The fencing shall be erected</p>	<p>Mariposa Planning</p>	

<p>prior to map recordation.</p> <p>(Mitigation Measure)</p>		
<p>28. Open space setbacks of 20 feet shall be established from the drip line of the elderberry shrubs identified in the Environmental Survey conducted for this project on Parcels A and D, and the Remainder. No buildings, septic systems or grading shall be permitted in this setback. During any construction or grading within 100 feet of the elderberry plants, temporary fences and/or protective barriers shall be placed around the elderberry plants. The project biologist shall approve the location of the setbacks prior to recordation of the parcel map. A statement shall be recorded in Official Records concurrently with the parcel map and shall be referenced on the parcel map. The statement shall read as follows:</p> <p style="padding-left: 40px;">“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 new structures, roads or driveways shall be constructed within the open space setback. No grading shall be allowed within the setback on Parcel A, Parcel D, or the Remainder as shown on the Parcel Map for _____. The Elderberry plants shall not be removed from the setback. This open space setback shall be in perpetuity, except as specifically provided herein and shall restrict the use of the land within the setback. The restrictions established for this setback shall be in place and effective until such a time as the elderberry shrub or shrubs die of natural causes, (which may include a wildland fire) or are de-listed and shall restrict the use of the land within the setback. Violators are subject to prosecution.”</p> <p>(Mitigation Measure)</p>	<p>Mariposa Planning</p>	
<p>29. Prior to any construction work required for completion of conditions of approval of this parcel map, the elderberry plants identified in the Environmental Survey conducted for this project shall be flagged and temporarily fenced with at least 3 foot high fencing and at least a 20 foot buffer around them. Any contractors who work on the project shall be briefed on the requirements by the project agent and the Public Works staff (during the pre-construction conference) 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 at 50 foot intervals along the edge of the avoidance area with the following information:</p> <p style="padding-left: 40px;"><i>“This area is habitat of the Valley Elderberry Longhorn Beetle, a</i></p>	<p>Mariposa Planning</p>	

<p><i>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."</i></p> <p>(Mitigation Measure)</p>		
<p>30. Any tree removal that is necessary to implement the project as described in the project's conditions of approval shall occur between September 15 and January 31, the time-frame which is outside of the general avian nesting season. Should such tree removal occur between February 1 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 Game Code sections 3503, 3503.5 and 3513. The survey shall be conducted no more than 30 days prior to tree removal. If these code sections will be violated by tree removal between February 1 and September 15, mitigation measures established through consultation with applicable regulatory agencies shall be implemented to reduce impacts of this tree removal 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 on the site.</p> <p>(Mitigation Measure)</p>	<p>Mariposa Planning</p>	
<p>31. 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>(Mitigation Measure)</p>	<p>Mariposa Planning</p>	

CONDITIONS OF APPROVAL/ MARIPOSA COUNTY HEALTH DEPARTMENT

32. Percolation tests and soils analysis tests shall be performed on Parcels A and C in accordance with Health Department rules and regulations and Health Department Policy 03-01.

Environmental Health

The fencing, flagging, and signing required by mitigation measures (Elderberry / Valley Elderberry Longhorn Beetle) shall be in place prior to the performance of the percolation and soils analysis testing, so as to ensure that no testing occurs within areas protected by the mitigation.

A report meeting the requirements of Health Department Rules and Regulations shall be submitted to the Mariposa County Health Department and be approved by the County Environmental Health Specialist prior to recordation of the parcel map. A letter from the County Environmental Health Specialist shall be submitted to the County Surveyor stating that approved percolation tests and soils analysis tests have been performed on the parcel. If the Health Department approves the use of Standard Septic Systems then 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 and C as shown on the Parcel Map for ____, 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.”

If the Health Department approves the report based on the use of special design or engineered septic systems then a statement shall be recorded in Official Records concurrently with the parcel map and referenced on the parcel map as follows:

“Percolation tests and soils analysis tests show that conventional on-site sewage disposal systems cannot be constructed on Parcel(s) __ as shown on the Parcel Map for _____, 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

<p>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>Additionally, a notice shall be filed concurrently with the parcel map and referenced on the parcel map which states:</p> <p>“The property described as Parcel __ as shown on the Parcel Map for _____ is 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 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 may be submitted for approval by the manufacturer of a specific technology.” Said maintenance entity shall be created to provide maintenance on the engineered sewage disposal systems prior to issuance of a development permit for residential construction activities other than a private well.</p> <p>In the event that additional soils testing is conducted demonstrating that an alternative design on-site sewage disposal system is not necessary, the Mariposa County Health Department may allow the use of a conventional on-site sewage disposal system in the newly tested area. Any newly tested area requiring the use of an engineered alternative design on-site sewage disposal system must meet the same minimum soils requirements of Health Department policy 03-01 as a newly created parcel.”</p> <p>(Section 16.12.330, County Subdivision Ordinance; Health Department Recommendation)</p>		
<p>33. Soil profile holes shall be excavated on Parcels B and D to the standards of the County Health Department and in the presence of the County Environmental Health Specialist, his authorized representative, or an authorized consultant to verify the feasibility of installing an on-site septic system on the parcels.</p>	<p>Environmental Health</p>	

The fencing, flagging and signing required by mitigation measures (Elderberry / Valley Elderberry Longhorn Beetle) shall be in place prior to the excavation of the soils profile holes, so as to ensure that no testing occurs within areas protected by the mitigation.

If the County Environmental Health Specialist approves the parcels for septic disposal based on the soil profile holes, a letter from the County Environmental Health Specialist 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 Environmental Health Specialist that a conventional septic system can be installed on the parcel(s), percolation tests and additional soils analysis tests shall be performed on the parcel(s) in accordance with Health Department rules and regulations.

The fencing, flagging and signing required by mitigation measures (Elderberry / Valley Elderberry Longhorn Beetle) shall be in place prior to the performance of the percolation and soils analysis testing, so as to ensure that no testing occurs within areas protected by the mitigation.

The results of these tests shall be submitted to the Mariposa County Health Department and be approved by the County Environmental Health Specialist prior to recordation of the parcel map. A letter from the County Environmental Health Specialist shall be submitted to the County Surveyor stating that approved percolation tests and soils analysis tests have been performed on the parcel(s). If the Health Department approves the use of Standard Septic Systems then 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 Parcel(s) __ as shown on the Parcel Map for ____, 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.”

If the Health Department approves the report based on the use of special design or engineered septic system then a statement shall be recorded in Official Records concurrently with the parcel map and referenced on the parcel map as follows:

“Percolation tests and soils analysis tests show that conventional on-site sewage disposal systems cannot be constructed on Parcel(s) __ as shown on the Parcel Map for _____, 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.

Additionally, if the Health Department approves the report based on the use of a special design or engineered septic system a notice shall be filed concurrently with the parcel map and referenced on the parcel map which states:

“The property described as Parcel(s) __ as shown on the Parcel Map for _____, is 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 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 may be submitted for approval by the manufacturer of a specific technology.” Said maintenance entity shall be created to provide maintenance on the engineered sewage disposal systems prior to issuance of a development permit for residential construction activities other than a private well.

In the event that additional soils testing is conducted demonstrating that an alternative design on-site sewage disposal system is not necessary, the Mariposa County Health Department may allow the use of a conventional on-site sewage disposal system in the newly tested area. Any newly tested area requiring the use of an engineered alternative design on-site sewage

<p>disposal system must meet the same minimum soils requirements of Health Department policy 03-01 as a newly created parcel.”</p> <p>(Health Department Recommendation)</p>		
<p>34. Prior to filing of the parcel map, the applicant shall prove to the satisfaction of the Health Department that Parcels A, B, C and D have a supply of potable water meeting requirements for quantity and quality. Proof is as follows:</p> <ul style="list-style-type: none"> a. an approved connection from an approved public water provider; or b. a proposed connection to a shared well which has been pre-approved 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 and wells drilled and tested prior to sale to demonstrate the quantities described in “Section d.” above. <p>Additionally, if the properties are to be served in the future by a well or wells, the applicant shall file a disclosure statement concurrently with the map and referenced on the map stating the following:</p> <p>“Water supplies for residential lands are derived from private wells on Parcels A, B, C, D and the Remainder as shown on the 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>Environmental Health</p>	

(Mariposa County General Plan, Section 5.3.02.E(4))		
35. The project proponent shall obtain a burn permit from the Mariposa County Air Pollution Control District if any brush or other vegetation is disposed of by burning.		
(Mariposa County Air Pollution Control District Regulations)		

CONDITIONS OF APPROVAL/CALIFORNIA DEPARTMENT OF FORESTRY & FIRE PROTECTION

36. Prior to recordation of the parcel map, the applicant shall have complied with all applicable SRA Fire Safe Regulations. A letter shall be submitted to the County Surveyor from CalFire to confirm this requirement. Additionally, a document shall be recorded and referenced on the Parcel Map that states: "Future residential development on Parcels A, B, C, D and the Remainder as shown on the Parcel Map for _____ shall be required to conform with all applicable SRA Fire Safe Regulations (Public Resource Code 4290 and 4291). Furthermore, the development of the parcels is subject to all applicable SRA Fire Safe Regulations and the risk of fire hazards shall be reduced through compliance with Public Resource Code 4291, including the requirement to maintain fire protection or firebreaks within 100 feet from buildings or structures or to the property line unless an alternative mitigation measure is approved by CDF at the time of issuance of a residential building permit." (California Public Resource Code)	Cal Fire	
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CONDITIONS APPLICABLE TO THE REMAINDER

37. Immediately upon completion of the driveway improvements, the applicant shall re-vegetate all exposed soils and install other erosion control as required by the Mariposa County Building Department (if a Grading Permit is required). The applicant shall also contact the Mariposa County Building Department for an inspection (if a Grading Permit is required). Inspection fees shall be the responsibility of the applicant. All revegetation improvements shall be completed prior to issuance of the Certificate of Compliance. §15.28.120, Mariposa County Buildings and Construction Code	Planning and/or Building Department	
38. Prior to issuance of a Certificate of Compliance to the Remainder, a driveway shall be constructed from the on-site access road along the northerly boundary of Parcel C to the existing	Mariposa	

<p>residential improvements on the Remainder (or to the existing driveway for the Remainder on-site). The driveway shall meet CalFire requirements for grade and width. The driveway shall be outside of all easement areas for the Elderberry. A grading permit from the Mariposa County Building Department may be required for these improvements. The off-site portions of the driveway shall be abandoned and fenced off or otherwise barricaded as approved by the Planning Director. All work associated with this condition shall be completed prior to issuance of the Certificate of Compliance.</p> <p>(Amended Project Description; December 18, 2008)</p>	<p>Planning</p>	
<p>39. 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.</p> <p>(Planning Department Recommendation)</p>	<p>Mariposa Planning</p>	
<p>40. An address shall be obtained from the Assessors Office for existing residences on the Remainder, which take access from the newly named road prior to recordation of the Certificate of Compliance.</p> <p>(Planning Department Recommendation)</p>	<p>Mariposa Planning</p>	