MARIPOSA COUNTY
BOARD OF SUPERVISORS

DEPARTMENT: Planning

AGENDA
ACTION FORM

BY: Larry Enrico
PHONE: 742-1222

DATE: October 20, 2009
AGENDA ITEM NO. ( )

RECOMMENDED ACTION AND JUSTIFICATION: Approval of the proposed zoning amendment to rezone approximately 43.5 acres of land to the Mountain Home zone; and approval of a major subdivision that would create 23 Lots, 5 acres or larger in size, off of Leonard Road, approximately 1/2 mile south of Highway 49. The proposed subdivision will be served by an on-site easement road and three lots will have access directly to Leonard Road. The zoning amendment has been found to be in the public interest since it would permit densities that support the cost of constructing a road through the project to provide a looped access for properties in the area that improves safety and access in wildland fire conditions. If the zoning amendment is approved, the major subdivision would be consistent with the zoning and the Residential Land Use of the General Plan.

On September 11, 2009, following a public hearing, review of the staff report and the initial study for the project, and public input, the Planning Commission recommended adoption of a mitigated negative declaration and approval of the zoning amendment and major subdivision with findings, mitigation measures and conditions of approval. The Board action is to adopt a resolution adopting a Mitigated Negative Declaration for environmental review purposes and approving Zoning Amendment No. 2008-142 and Major Subdivision No. 2008-141. The action includes waiving the first reading and introducing an ordinance amending the zoning on the property pursuant to Zoning Amendment No. 2008-142.

BACKGROUND AND CONTEXT OF BOARD ACTIONS: No specific action on this specific project or property has been taken by the Board.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION: A denial of either one of these two applications will mean that the property cannot be subdivide as proposed.

Financial Impact? ( ) Yes (X) No Current FY Cost: $ Annual Recurring Cost: $
Budgeted In Current FY? (X) Yes ( ) No ( ) Partially Funded
Amount in Budget: $
Additional Funding Needed: $
Source:
Transfer Between Funds 4/5's vote
Contingency 4/5's vote

List Attachments, number pages consecutively
Staff Report with attachments
Attachment 1 – Planning Commission Minutes
Attachment 2 – Comments and Responses
Attachment 3 – Planning Commission Resolution
Attachment 4 – Draft Board of Supervisors Resolution
Attachment 5 – Draft Ordinance
Attachment 6 – Mitigated Negative Declaration and Initial Study

CLERK'S USE ONLY:
Res. No.: 557 Ord. No.
Vote – Ayes: ( ) Noes:
Absent:
Approved
Minute Order Attached ( ) No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office.
Date:
Attest: MARGIE WILLIAMS, Clerk of the Board
County of Mariposa, State of California
By: ________________________________
Deputy

COUNTY ADMINISTRATIVE OFFICER:
☑ Requested Action Recommended
☑ No Opinion
Comments:

CAO: ________________________________

Revised Dec. 2002
TO: KRS SCHENK, Planning Director
FROM: MARGIE WILLIAMS, Clerk of the Board

SUBJECT: PUBLIC HEARING to Consider Major Subdivision No. 2008-141 and Zoning Amendment No. 2008-142. Action Includes Adopting a Resolution Adopting a Mitigated Negative Declaration, Approving Zoning Amendment No. 2008-142 with Findings and Approving Major Subdivision No. 2008-141 with Findings, Conditions of Approval, and Mitigation Measures. Action Also Includes Waiving the First Reading and Introducing an Ordinance to Amend the Mariposa County Zoning Map by Rezoning Approximately 43.5 Acres of Land (Portion of APN 017-210-010) from the Mountain General Zone to the Mountain Home Zone Pursuant to Zoning Amendment No. 2008-142. Major Subdivision No. 2008-141 Proposes the Subdivision of 126.75 Acres into 23 Lots (APNs 017-210-010 and 015-240-030). Steven Allison, Project Applicant. Site is Located off of Leonard Road, Approximately ½ Mile South of Highway 49 South

RESOLUTION 09-507

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on October 20, 2009

ACTION AND VOTE:

10:14 a.m. Kris Schenk, Planning Director;
PUBLIC HEARING to Consider Major Subdivision No. 2008-141 and Zoning Amendment No. 2008-142. Action Includes Adopting a Resolution Adopting a Mitigated Negative Declaration, Approving Zoning Amendment No. 2008-142 with Findings and Approving Major Subdivision No. 2008-141 with Findings, Conditions of Approval, and Mitigation Measures. Action Also Includes Waiving the First Reading and Introducing an Ordinance to Amend the Mariposa County Zoning Map by Rezoning Approximately 43.5 Acres of Land (Portion of APN 017-210-010) from the Mountain General Zone to the Mountain Home Zone Pursuant to Zoning Amendment No. 2008-142. Major Subdivision No. 2008-141 Proposes the Subdivision of 126.75 Acres into 23 Lots (APNs 017-210-010 and 015-240-030). Steven Allison, Project Applicant. Site is Located off of Leonard Road, Approximately ½ Mile South of Highway 49 South

BOARD ACTION: Kris Schenk introduced the item; and Larry Enrico, Senior Planner, presented the staff report and advised that the conditions that were presented to the Planning Commission were inadvertently included in the package for this hearing. The conditions that were recommended by the Planning Commission were distributed, along with photographs of the roads in the area that were presented to the Planning Commission. He advised of correspondence that was received. Staff responded to questions from the Board relative to the status of the impact fees.

The public portion of the hearing was opened and input was provided by the following:
Dick Seaman, Freeman and Seaman Land Surveyors, advised that he was representing the applicants. He is in favor of the impact fees and feels they are long-overdue. He provided input
relative to access to the parcels and work that has been done on this project, including test wells, soil profiles for septic systems, and road designs. He responded to questions from the Board relative to the status of the wells and gallons per minute. Staff responded to a question from the Board relative to the distance the subdivision is from Highway 49 via Leonard Road.

Eleanor Keuning presented a poster of ten photographs of the roads in the area. She stated she is not opposed to the development, but expressed concern with the condition of Leonard Road and the blind corner to the access road, and she suggested that a stop sign be installed.

Mark Harris, Yosemite Falls Well Drilling, provided input on the test wells for the subdivision and his experience with obtaining water in the area. He responded to a question from the Board as to whether he has deepened wells in the area.

Miles Menetrey expressed concern with the creation of 23 new lots and the potential impact from wells and septic leach lines; and he expressed concern with dust problems from the dirt roads. He asked that the section of road that intersects with Harvest Drive be paved. He responded to a question clarifying the section of road he wanted paved – from Harvest Drive to Stoneridge; and he responded as to the distance. Staff responded to a question from the Board relative to the lots that access the dirt section. Miles Menetrey suggested that while the applicant has his equipment in the area, it would be a good opportunity for the County to pave Leonard Road.

Mike Springer stated he is not opposed to the project, but is speaking for several of the neighboring property owners, and he presented a letter petition relative to the project. He feels that there should be more time to provide input on this project; and he expressed concern with the noise and dust impacts. He commented on the roads and access and presented photographs of the roads in the area. He advised that Paco Harlow told him of an agreement that he reached with the County a long time ago relative to road improvements and they have not been made.

Dick Seaman advised that they have not seen the petition that was presented to the Board. He provided additional input on the road circulation and signage issues and responded to the issues that were raised. He responded to questions from the Board relative to the status of the roads and maintenance and brushing and future maintenance.

Ruth Catalan asked whether two homes could be constructed on each parcel. Staff responded that secondary homes can be constructed per State law.

Mike Springer noted that the people who own the plant nursery have their property split by Leonard Road and they were told they would need to pave the road to subdivide.

Eleanor Keuning noted that Jerry Kemp, owner of the mobile home park, is present and questioned whether he has any comments. She referred to her previous experience with the City Council and Planning Commission in Tracy and her attempt become familiar with the site for each project proposal.

The public portion of the hearing was closed and the Board commenced with deliberations. Staff responded to questions from the Board relative to the existing water development policy and relative to the possibility of requiring the brushing to be maintained for three to five years. Dick Seaman responded to the question from the Board relative to the brush maintenance issue. Supervisor Cann noted that the issues relative to the status of Leonard Road relate to the portion of the road that is beyond the project site; and he referred to the correspondence that commented on the removal of a bridge from Wawona and advised that it was moved to Lake Mead. Supervisor Allen referred to previous dialogs in the 1980’s relative to road improvements and noted that is being worked on. Supervisor Aborn stated he would like time to drive the area. Larry Enrico clarified that the County accepted Harvest Drive for access, but not for maintenance.

(M)Cann, (S)Allen, Res. 09-507 was adopted adopting the Mitigated Negative Declaration for the project, approving Zoning Amendment No. 2008-142 with findings, and approving Major Subdivision No. 2008-141 with findings, conditions of approval, and mitigation measures/Ayes: Turpin, Cann, Allen; Noes: Aborn; Excused: Bibby. (M)Cann, (S)Allen, the first reading was waived and the Ordinance introduced amending the Zoning Map for Zoning Amendment No. 2008-142. The Clerk of the Board read the title of the Ordinance into the record. Ayes: Turpin, Cann, Allen; Noes: Aborn; Excused: Bibby. The hearing was closed.

Cc: Steven W. Dahlem, County Counsel

File
MARIPOSA COUNTY RESOLUTION NO. 2009-507

A RESOLUTION ADOPTING A MITIGATED NEGATIVE DECLARATION AND APPROVING ZONING AMENDMENT NO. 2008-142 AND MAJOR SUBDIVISION 2008-141

WHEREAS an application proposing to amend the zoning designation on a portion of Assessor's Parcel Number (APN) 017-210-010, 4864 Leonard Road, was received from the Steven Allison on July 30, 2008; and

WHEREAS an application for a twenty-three-lot major subdivision was also received on July 30, 2008 from Steven Allison for Assessor's Parcel Numbers (APNs) 017-210-010 and 015-240-030, 4864 Leonard Road; and

WHEREAS the proposal is to amend the zoning classification from Mountain General to the Mountain Home on approximately 43.5 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 before the Planning Commission for the 11th day of September, 2009; and

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

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

WHEREAS the Planning Commission did hold a public hearing on the noticed date and considered all of the information in the public record, including the Initial Study and Staff Report, testimony presented by the public concerning the application, and the comments of the applicant; and

WHEREAS the Planning Commission adopted Resolution No. 2009-020, recommending that the Board of Supervisors adopt a Mitigated Negative Declaration, and further recommending the Board of Supervisors approve Major Subdivision No. 2008-141 and Zoning Amendment No. 2008-142 with recommended findings, mitigation measures, mitigation monitoring, and conditions of approval; and

WHEREAS a duly noticed Board of Supervisors public hearing was scheduled for the 20th day of October, 2009; and
WHEREAS a Staff Report packet for the Board of Supervisors was prepared pursuant to the California Government Code, Mariposa County Code, and local administrative procedures; and

WHEREAS the Board of Supervisors did hold a public hearing on the noticed date and considered all of the information in the public record, including the Staff Report packet, updated Initial Study, testimony presented by the public and the applicant concerning the application, and comments and recommendations from the Planning Commission.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Supervisors of the County of Mariposa does hereby adopt a Mitigated Negative Declaration and directs staff to file a Notice of Determination for the project pursuant to the California Environmental Quality Act, Title 14, California Code of Regulations and approves Major Subdivision 2008-141 and Zoning Amendment No. 2008-142.

BE IT FURTHER RESOLVED THAT the parcel to be reclassified and rezoned (APN 017-210-010) is as legally described below and is shown on the map in Exhibit 1.

“Lot 2 of Section 5, T. 6 S., R 20 E., MDBM”

BE IT FURTHER RESOLVED THAT the project approval action is based on the findings shown in Exhibit 2, which are supported by substantial evidence in the public record.

BE IT FURTHER RESOLVED THAT the conditions of approval and mitigation measures for Major Subdivision 2008-141 are shown in Exhibit 3.

BE IT FINALLY RESOLVED THAT the effective date of the approval of the reclassification of the property pursuant to Zoning Amendment No. 2008-142 and Major Subdivision 2008-141 shall be the effective date of the ordinance adopted to rezone the property pursuant to Zoning Amendment No. 2008-142.

ON A MOTION BY Supervisor Cann, seconded by Supervisor Allen; the Mitigated Negative Declaration is adopted, and this resolution is duly passed and adopted this 20th day of October 2009, both by the following vote:

AYES: Cann, Allen, Turpin

NOES: Aborn

EXCUSED: Bibby

ABSTAIN: None
Resolution 2009-507  Major Subdivision 2008-141 and Zoning Amendment No. 2008-142;
Steven Allison, Project Applicant
20th Day of October, 2009 • Page 3 of 29 pages

Brad Aborn, Chair
Mariposa County Board of Supervisors

ATTEST:

Margie Williams
Clerk of the Board of Supervisors

APPROVED AS TO FORM:

Steven W. Dahlem
County Counsel
Exhibit 2

Findings for Major Subdivision 2008-141;
And Zoning Amendment 2008-142

Findings for Major Subdivision 2008-141

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 23 lots that are all between five and 8.5 acres, the site is physically suited for low-density residential development and appurtenant improvements such as septic systems. The easement road and/or a county road provide adequate access to the residential parcels. The proposed project is located within the Mountain Home zone and the Mountain General Zone. A concurrent application, Zoning Amendment 2008-142, has been considered and recommended for approval to the Mariposa County Board of Supervisors. With approval of the Zoning Amendment, the subdivision density is designed in accordance with the Mountain Home zone standards.

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. Implementation of mitigation measures as identified in the project’s initial study will reduce potentially significant impacts of project implementation on riparian corridors, wildlife, or their habitat, oak woodlands and nesting birds to less than significant levels. The project is subject to the appropriate California Department of Fish and Game filing fees required at the time of the filing of the Final Map. Fees for 2009 are $1,993 for a mitigated negative declaration as required by AB 3158 and a County Clerk fee of $50.

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 site soils are suitable for the installation of standard septic systems.
The proper location and implementation of these improvements will ensure that serious health problems will not occur on the site. Project roadways and encroachments will be constructed in accordance with all state and local standards that are designed to reduce potentially significant impacts on traffic and roadways to less than significant levels.

4. **FINDING:** The proposed map is consistent with applicable general and specific plans as specified in Government Code Section 65451.

**EVIDENCE:** The proposed land division is being processed concurrently with Zoning Amendment No. 2008-142 (the project). The project, including the map, is consistent with the goals, policies and implementation measures of the Land Use Element and other applicable standards in Mariposa County General Plan and Title 17, Mariposa County Zoning. The land division is the initial step in the process to help implement the General Plan’s Housing Element. Under Section 8.10.04 – Housing Objectives and Programs, A. Objective One: “Accommodate the County’s Housing Allocation states: “California law requires the Department of Housing and Community Development to provide the County of Mariposa with its ‘fair share’ of regional housing. This Regional Housing Needs Allocation establishes the minimum number of dwelling units per income classification.” C. Objective Three: Providing Adequate Sites and Services of the Housing element states: “The County shall provide opportunities for adequate housing sites and new subdivisions to accommodate anticipated population growth and its fair share of regional housing as required by state law.” The land division satisfies these objectives by providing increased housing opportunities. There is no Specific Plan governing this property.

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

**EVIDENCE:** The proposed land division is being processed concurrently with Zoning Amendment No. 2008-142 (the project). The minimum lot size proposed by the project is consistent with the Residential land use classification standards contained in the Mariposa County General Plan and Title 17, Mariposa County Zoning. The subdivision design is consistent with the General Plan standard that all new subdivision parcels have safe and adequate access. The land division’s design complies with the County Subdivision Ordinance’s maximum 4:1 length to width ratio for parcel configuration. The project site is not in an area governed by a Specific Plan.

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

**EVIDENCE:** The project will not conflict with any public easement. Affected utility companies have reviewed the proposed project and have not objected to the proposal.
7. **FINDING:** The effective date of Mariposa County's approval of Major Subdivision No. 2008-141 shall be the same as the effective date of Zoning Amendment No. 2008-142. This shall be 30 days following the Board of Supervisors' waiver of the second reading and the adoption of the ordinance approving Zoning Amendment No. 2008-142.

**Findings for Zoning Amendment 2008-142**

1. **The amendment is in the general public interest, and will not have a significant adverse affect on the general public health, safety, peace, and welfare.**

   The amendment is in the general public interest as it will provide densities in the amendment area that can support the required level of road improvements to easement roads for the area, with improved emergency access in the event of wildland fires. The easement road along the easterly boundary travels through the amendment area would not be required and it would not be improved or developed unless the zoning were changed in the area to allow for lots to be created in the southeast portion of the project site. This easement road will provide an addition access loop for properties located south of the project on Harvest Drive. This additional emergency access is in the public interest, and will have a positive affect on the general public health, safety, peace, and welfare.

2. **The amendment is desirable for the purpose of improving the Mariposa County general plan with respect to providing a long-term guide for county development and a short-term basis for day-to-day decision making.**

   The amendment has no affects on the policies that guide long-term development, but the project will provide for long-term improvements to the circulation in the area that enhance emergency vehicle access and provides for additional evacuation routes in the area. Emergency services will have additional access as part of their long-term planning to improve emergency services. The improved circulation will provide safety personnel with additional resources to use in their decision day-to-day decision making during emergencies.

3. **The processing of this application conforms to the requirements of state law and county policy.**

   The processing of this project application has been in accordance with all requirements pursuant to state law and county policy.

4. **The amendment is consistent with the goals, policies, and implementation measures of the Mariposa County general plan as follows.**

   The proposed zoning amendment is consistent with the goals, policies and implementation measures of the Land Use Element and other applicable standards in Mariposa County General Plan and Title 17, Mariposa County Zoning. The
Mountain Home Zone is consistent with the Residential Land Use of the General Plan.

The zoning amendment provides additional residential land with smaller parcel sizes and reduced cost of ownership. Under Section 8.10.04 – Housing Objectives and Programs, A. Objective One: “California law requires the Department of Housing and Community Development to provide the County of Mariposa with its ‘fair share’ of regional housing. This Regional Housing Needs Allocation establishes the minimum number of dwelling units per income classification.” C. Objective Three: – Providing Adequate Sites and Services of the Housing element states: “The County shall provide opportunities for adequate housing sites and new subdivisions to accommodate anticipated population growth and its fair share of regional housing as required by state law.” The zoning amendment satisfies these objectives by providing increased housing opportunities.

The amendment would provide for additional new development in keeping with the County’s rural character. The zoning amendment and further subdivision would be consistent with Implementation Measure 5.3a(3) which reads “No subdivision shall be approved unless it is found that there is adequate road capacity to serve the new traffic”. The zoning amendment area and subdivision has access to a County maintained road that has been deemed adequate for capacity by the County Engineer.

Implementation Measure 5.3b reads “All subdivision roads shall be maintained roads.” The project has access to a County maintained road, and the easement roads on the property have a required condition of approval that will result in the establishment of a road maintenance association or zone of benefit for the on-site easement roads.

The amendment to the Mountain Home Zone will provide the five-acre density identified by the General Plan as the standard size lot for outlying residential land in the County as identified in Section 5.1.09 of the General Plan. The five acre parcel minimum proposed by the amendment provides the appearance of the rural landscape, the proposed 5+ acres lots permitted by the zoning amendment provide adequate room for on-site sewage disposal systems and provide suitable separation from wells.

5. The subject parcel is physically suitable (including, but not limited to access, provision of utilities and infrastructure, compatibility with adjoining land uses, and absence of physical constraints) for the requested land use designation and the anticipated land use development.

The subject parcel is physically suitable for the requested land use designation and the anticipated land use development. The amendment is located in close proximity to State Highway 49 by way of Leonard Road, a paved County maintained road from
the project site to the State Highway. Road improvements on site can be adequately designed and improved to provide required access. The subject parcel’s terrain is similar to surrounding land currently in the Mountain Home Zone, and each lot has adequate room and locations to develop residential uses at the density permitted by the Mountain Home Zone. Further, the soils in the area can support installation of septic systems in accordance with the requirements of the Mariposa County Health Department at the densities permitted by the Mountain Home Zone.
Exhibit 3

Conditions of Approval and Mitigation Measures for
Major Subdivision No. 2008-141

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<td>CONDITIONS OF APPROVAL / PUBLIC WORKS DEPARTMENT</td>
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<td>1. The easement shown on the Tentative Map that intersects with Leonard Road at Lot 1 and terminates in a cul-de-sac at Harvest Road, to be known as “Easement #1”, shall be made 60 foot wide and non-exclusive. A turnaround easement with a radius of 60 feet shall be provided as shown 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 on-site easement 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.”</td>
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<td>(Section 16.12.160.B, County Subdivision Ordinance; Road Standard Cross-sections, Road Improvement and Circulation Policy)</td>
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<td>2. The easement shown on the Tentative Map that intersects Easement #1 at the boundary between Lots 1 and 8, to be known as “Easement #2”, shall be made 50 foot wide and non-exclusive. A turnaround easement with a radius of 60 feet shall be provided as shown 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.”</td>
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<td>3. The easement shown on the Tentative Map intersects Easement #2 at the boundaries between Lcts 5, 9 and 10, to be known as “Easement #3”, shall be made 60 foot wide and non-exclusive. A turnaround easement with a radius of 60 feet shall be provided as shown 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 &quot;public road and utility purposes.”</td>
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<td>4. The easement shown on the Tentative Map intersects Easement #1 at the boundary between Lcts 15 and 6, to be known as “Easement #4”, shall be made 60 foot wide and non-exclusive. A turnaround easement with a radius of 60 feet shall be provided as shown 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 &quot;public road and utility purposes.”</td>
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<td>5. A shared encroachment easement shall be shown on the parcel map at Leonard Road between Lcts 3 and 4. The encroachment shall be made 60 feet by 60 feet and non-exclusive. The easement shall be located equally on both sides of the property line between Parcels 3 and 4. The easement shall be offered for dedication to the County of Mariposa. The offers of dedication shall be non-revocable and non-exclusive and specifically state the dedications are for &quot;public road and utility purposes.” The location and width of the easement shall be approved by the County Engineer.</td>
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<td>6. A variable width dedication from the centerline of Leonard Road shall be offered to the County of Mariposa. The offer of dedication shall be non-revocable and non-exclusive and specifically state the dedication is for &quot;public road and 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 proposed alignment per data on file at the Mariposa County Public</td>
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<td>(Section 16.12.150, County Subdivision Ordinance; Section II.A.3, Road Improvement and Circulation Policy)</td>
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<td>7. Easement #1, as shown on the Tentative Map, from Leonard Road to the cul-de-sac shown at Harvest Drive, off-site, shall be improved to a Rural Class II standard and shall meet this standard at the time of final 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 final map. The County Engineer may require engineered improvement plans prepared by a Registered Civil Engineer for any improvements required as a condition of approval for this project. If engineered improvement plans are required, the plans shall be approved by the County Engineer prior to commencement of construction work on the required road improvements.</td>
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<td>8. Easement #2, as shown on the Tentative Map, from Easement #1 to the intersection with Easement Road #3, shall be improved to a Rural Class II standard and shall meet this standard at the time of final map recordation; and from the intersection with Easement Road #3 to the cul-de-sac at Lots 9, 11, and 12 shall be improved to a Rural Class I standard and shall meet this standard at the time of final map recordation. The intersection of Easement #1 and Easement #2 shall be constructed at as close to a 90 degree angle as possible or as approved by the County Engineer. 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 final map. The County Engineer may require engineered improvement plans prepared by a Registered Civil Engineer for any improvements required as a condition of approval for this project. If engineered improvement plans are required, the plans shall be approved by the County Engineer prior to commencement of construction work on the required road improvements.</td>
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<td>9. Easement #3, as shown on the Tentative Map, from Easement #2 to the cul-de-sac at Lots 6, 7 and 10., shall be improved to a Rural Class I standard and shall meet this standard at the time of final map recordation. The intersection of Easement #2 and Easement #3 shall be constructed at as close to a 90 degree angle as possible or as approved by the County Engineer. The required road improvements shall be completed in accordance with the Road Improvement and</td>
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Circulation Policy and the County Improvement Standards and shall be approved by the County Engineer at the time of recordation of the final map. The County Engineer may require engineered improvement plans prepared by a Registered Civil Engineer for any improvements required as a condition of approval for this project. If engineered improvement plans are required, the plans shall be approved by the County Engineer prior to commencement of construction work on the required road improvements.

(Section 16.12.170, County Subdivision Ordinance; Chart A and Section II.D.2.a, Road Improvement and Circulation Policy)

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10. Easement #4, as shown on the Tentative Map, from Easement #1 to the cul-de-sac at Lots 15, 16, and 17, shall be improved to a Rural Class I standard and shall meet this standard at the time of final map recordation. The intersection of Easement #1 and Easement #4 shall be constructed at an angle as close to a 90 degree angle as possible or as approved by the County Engineer. 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 final map. The County Engineer may require engineered improvement plans prepared by a Registered Civil Engineer for any improvements required as a condition of approval for this project. If engineered improvement plans are required, the plans shall be approved by the County Engineer prior to commencement of construction work on the required road improvements.

(Section 16.12.170, County Subdivision Ordinance; Chart A and Section II.D.2.a, Road Improvement and Circulation Policy)

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11. Easement #5, the shared access easement along the boundary of Lots 3 and 4 shall be improved to a Rural Class I SRA standard and shall meet this standard at the time of final 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 final map. The County Engineer may require engineered improvement plans prepared by a Registered Civil Engineer for any improvements required as a condition of approval for this project. If engineered improvement plans are required, the plans shall be approved by the County Engineer prior to commencement of construction work on the required road improvements.

(Section 16.12.170, County Subdivision Ordinance; Chart A and Section II.D.2.a, Road Improvement and Circulation Policy)

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12. A cul-de-sac shall be constructed at the terminus of the required road improvements at the intersection of Lots 6, 7, and 10; at the intersection of Lots 9, 11, and 12; and at the intersection of Lots 15, 16, and 17; and off-site at the intersection of Easement #1 and Harvest Drive as shown on the tentative map. The cul-de-sac shall be improved
to meet county standards and shall meet these standards at the time of final map recording. 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 at the time of recording of the final map. If construction of a cul-de-sac is impractical due to the on-site terrain as determined by the County Engineer with the concurrence of CalFire, the applicant may request permission to construct a hammerhead T turnaround. At the time of the filing of the final map, the County Engineer shall confirm that this condition has been met.

(Section 11.4(B)(9) County Improvement Standards)

13. An encroachment permit shall be obtained from the Mariposa County Public Works Department prior to any work being done on or adjacent to Leonard Road. In addition, all grading and road improvement work required as a condition of approval of this project shall comply with the Mariposa County Improvement Standards and all requirements contained therein. The County Engineer may require engineered improvement plans prepared by a Registered 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.

(Chapter 11, County Improvement Standards)

14. Access to Lot 1 shall be limited to on-site Easement #1 or #2. No further encroachment permits to Leonard Road for this lot will be granted. A declaration shall be recorded with the final map, referenced on the final map and made appurtenant to Lot 1. The declaration shall state the following:

"Approved access for residential development of Lot 1—as shown on the Final Map for ________, filed in Book of Maps, Page ____, Mariposa County Records, is from ________ (insert approved road name) and no additional encroachments shall be granted to this lot from Leonard Road."

The County Engineer will confirm that this condition has been met prior to map recording.

Public Works Department Recommendation.

15. Prior to the commencement of any road improvements, road construction or other road building or maintenance activities required as a condition of approval for this project and prior to issuance of any encroachment permit for the required improvements, a consultation meeting with the Public Works Department, the applicant, the agent, the road contractor, and Cal Fire shall occur. 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 encroachment permit required for this project and prior to the scheduling of any on-site inspection of road improvements.

Condition No. 30 regarding the General Permit for Discharges of Storm Water Associated with Construction Activity and Condition No. 42 for the Oak Tree Preservation Plan, shall be met prior to the scheduling of this meeting.

(Public Works and Mariposa Planning Recommendation)

16. The edges or boundaries of the off-site portion of Easement Road #1 from the project site to Leonard Road shall be staked in the field by the project surveyor prior to the on-site consultation meeting described in Condition No. 15. The staking of the road shall be maintained during road construction activities. The purpose of the staking is to ensure that all of the required road improvements can be contained within the existing easements.

17. 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 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 prior to the recordation of the Final map.

Road Improvement and Circulation Policy)

18. All cut and fill areas required for the construction of the proposed access road shall be included within the access and utility easements pursuant to the County Improvement Standards, which may necessitate a variable width easement greater than 60 feet in width. The location, width, and description of the easements shall be approved by the County Engineer.

Public Works Recommendation

19. 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.

(Public Works Department Recommendation)

20. A stop sign shall be placed at the intersection of Leonard Road and Easement #1, at the intersections of all easement roads within the subdivision. The stop signs shall be installed on metal breakaway type posts prior to map recordation. The design and placement of signs shall be approved by the County engineer prior to installation.

(Public Works Recommendation)

21. If the easement roads are 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 Leonard Road and Easement #1. The design and specifications of the sign shall be in accordance with the County Improvement Standards.

Section III.A.4, Road Improvement and Circulation Policy

22. Road name signs for the on-site easement roads shall be placed at the intersection of Leonard Road and Easement #1, and at the intersections of all easement roads within the subdivision. The design and specifications of the signs shall be in accordance with the Mariposa County Improvement Standards.

(Section 16.12.175, County Subdivision Ordinance).

23. The project applicant shall have the choice of forming a zone of benefit or forming a road maintenance association for the maintenance of the easement roads from Leonard Road to the cul-de-sacs.

Should the applicant choose to form a zone of benefit, the applicant shall file a completed petition (including but not limited to, all required signatures and attachments) with the County to form a Zone of Benefit within the Countywide County Service Area No. 1 for road maintenance of the access roads within the subdivision. The applicant shall be responsible for all costs associated with the filing of the petition, including but not limited to, preparation and costs estimates.

Maintenance shall include, but not be limited to, drainage and erosion control devices, fuel modification, upkeep of road surfaces, and ultimate replacement costs for road surfaces, etc. The initial road construction costs shall not be included in the Zone of Benefit.

The Zone of Benefit shall include provisions to allow additional parcels and additional road length to be added to the zone if appropriate in the future.

The formation of the Zone of Benefit shall be completed prior to recordation of the map.

(Section II.I, Road Improvement and Circulation Policy)

OR

If a zone of benefit is not formed the project, 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 Lots served by the easement roads shall be responsible for road maintenance. These provisions shall be reviewed and approved by the County Engineer prior to filing of
the final map and shall:

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 Lots 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.

(Public Works Department Recommendation; Section II.I, Road Improvement and Circulation Policy)

| 24. If a Zone of Benefit is not formed, a declaration or covenant of non-protest for road maintenance of the easement roads shall be filed concurrently with the final map and shall be referenced on the final map. The declaration or covenant shall be made appurtenant to each parcel and shall state that the owners or future owners of the parcels waive their right to protest the formation of a zone of benefit or assessment district within Countywide County Service Area No. 1 for road improvements, road upgrades, and/or maintenance of the easement road. The declaration or covenant shall be approved by the Public Works Director prior to filing of the final map. | Public Works |

| 25. A Verification of Taxes Paid Form shall be submitted to the County Surveyor prior to final map filing. | Public Works |

| Mariposa Planning Recommendation |

| CONDITIONS OF APPROVAL/CAL FIRE |

| 26. Prior to filing of the final map, all applicable State Fire Safe Regulations shall be met, including construction of roadways, cul-de-sac turnarounds, road naming and signage. A letter shall be submitted to the County Surveyor by CalFire stating this condition has been met. | CalFire/County Surveyor |

| 27. The cul-de-sac turnarounds shall be the same surface as the roadway and be constructed with a minimum effective radii of no less than 40 feet (45 feet is recognized as the most restrictive legal standard in Mariposa County) (Public Resources Code Section 1273.05). If parking is anticipated or allowed within the cul-de-sac, the radii of the turnaround must increase proportionally. | CalFire/Public Works |
28. Prior to filing of the final map, the applicant shall have complied with all applicable State Responsibility Area Fire Safe Regulations. A document shall be recorded and referenced on the final map that states:

“Future residential development on Lots 1 through 23 as shown on the map for ____________, filed in Book of Maps at Page _____, Mariposa County Records, shall be required to conform with all applicable SRA Fire Safe Regulations (Public Resource Codes 4290 and 4291.) Furthermore, the development of the lots 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 of firebreaks within 100 feet from building or structures or to the property line unless an alternative mitigation measure is approved by CalFire at the time of issuance of a residential building permit.”

Cal Fire Recommendation

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<tr>
<th>CONDITIONS OF APPROVAL / MARIPOSA PLANNING</th>
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<tr>
<td>29. Project approval is valid for a period of three years from September 11, 2009. This approval shall expire on September 11, 2012.</td>
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<tr>
<td>§16.16.090, Mariposa County Subdivision Code</td>
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30. Prior to filing of the final map, evidence that the State Department of Real Estate Public Report process has been commenced shall be submitted to the County Surveyor. Completion of the public report process is not necessary for map recordation, but is necessary prior to lot sale.

Mariposa Planning Recommendation

| 31. Prior to the filing of the final 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 ($1,993.00 as of 1/1/09) and the County Clerk fee ($50.00 as of 1/1/09) shall be paid by the applicant within five (5) working days of the approval of the application by Friday, September 18, 2009, 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, September 18, 2009 the environmental determination is not operative, vested, or final (Section 21089(b) Public Resources Code). |

The County Clerk requires that one check be submitted to cover both of these fees, for a total of $2,043.00 (effective 1/1/09), 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. | Mariposa Planning |
Note, the filing fees are adjusted annually, effective January 1st of each year, pursuant to Fish and Game Code.

(§16.12.390, Mariposa County Subdivision Code; (California Department of Fish and Game Requirement)

32. 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. 15. If a permit is required, all provisions and requirements of the permit shall be completed prior to recordation of the final map. The applicant shall submit to the County Surveyor evidence that the permit requirements have been met to the satisfaction of the RWQCB.

[State Water Quality Control Board Order No. 99-08-DWQ, National Pollutant Discharge Elimination System (NPDES); Mitigation Measure]

33. 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.

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
§16.36.030, Mariposa County Subdivision Ordinance

34. A declaration shall be recorded concurrently with the final map and shall be referenced on the final map. The declaration shall state the following:

"All residential buildings on Lots 1 through 23 as shown on the map for _________, filed in Book of Maps at Page ________, Mariposa County Records, including mobile homes placed on foundations, shall be constructed in compliance with the special foundation requirement stated in the Soils Investigation Report prepared for the subdivision and on file in the Mariposa County Planning Department. A building permit shall not be issued for residences placed on foundations unless the foundations meet the foundation requirements contained in the Soils Investigation prepared for the subdivision. The foundation requirements must be incorporated into the building plan and permit."

(Planning Department Recommendation)

35. Easement #1 from Leonard Road to the cul-de-sac at Harvest Drive; Easement #2 from Easement #1 to the cul-de-sac at Lots 9, 11, and 2; Easement #3 from Easement #2 to the cul-de-sac at Lots 6, 7, and 10; and Easement #4 from Easement #1 to the cul-de-sac at Lots 15, 16, and 17 shall be named in accordance with County Resolution No. 92-541. A Road Name Request application shall be submitted to the Planning Department and be approved by the Board of Supervisors (for Easement #1) and approved by the Planning Director (for Easements #2, #3, and #4). The name of the road within the project site shall be shown on the final map.

(County Resolution No. 92-541)

36. Prior to the filing of the final map, the applicant shall re-locate and re-construct the existing driveway that traverses Lots 8 and 13, and serves the residence on Lot 14. The driveway will be designed so that it accesses Easement Road #1 along the Lot 14 frontage and is entirely contained within Lot 14. The applicant shall abandon the existing driveway that crosses Lot 8 and Lot 13. The driveway shall conform to all applicable SRA Fire Safe Regulations.

37. Subdivision Map Act Section 66434.2 applies to the filing of the final map for this project.

Mariposa Planning Recommendation

38. Zoning Amendment 2008-142 shall be completed prior to the filing of the Final Map. All fees associated with the completion of the Zoning Amendment, including publication of the ordinance, shall be the responsibility of the applicant.

Mariposa Planning Recommendation
### CONDITIONS OF APPROVAL/ MARIPOSA COUNTY HEALTH DEPARTMENT

39. The following statement shall be filed with the final map and referenced on the final map:

> "Water supplies for residential lands on Lots 1 through 23 as shown on the map for ____________, filed in Book of Maps at Page ____, Mariposa County Records, are derived from private wells. 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 Lot shown on this map."

Mariposa County General Plan, Section 5.3.02.E(4).

| Environmental Health |

40. Percolation tests and soils analysis tests shall be performed on Lots 1 through 23 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 shall be submitted to the Mariposa County Health Department and be approved by the County Environmental Health Specialist prior to recordation of the final 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 Lot. If the Health Department approves the use of Standard Septic Systems then a statement shall be recorded in Official Records concurrently with the final map and referenced on the final map as follows:

> "Approved percolation tests and soils analysis tests have been performed on Lots __ and __ as shown on the Final 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 final map and referenced on the final map as follows:

> "Percolation tests and soils analysis tests show that conventional on-site sewage disposal systems cannot be constructed on Lot(s) __ as shown on the Final 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 Lot.

Additionally, a notice shall be filed concurrently with the final map and referenced on the final map which states:

“The property described as Lot __ as shown on the Final 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 disposal system must meet the same minimum soils requirements of Health Department policy 03-01 as a newly created Lot.”

Any parcel or lot not meeting the criteria outlined in Health Department
Policies and/or rules and regulations shall be merged with one or more of the adjoining parcels or lots.

(Section 16.12.330, County Subdivision Ordinance; Health Department Recommendation)

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<th>41. Proof of water shall be provided on Lots 1 through 23 prior to recordation of the final map for this project. Proof of water shall be considered to be a well or wells of proven capacity. Proven capacity shall be a well or wells capable of producing one thousand gallons per twelve-hour day for each lot. Proof of production shall be an approved pump test of the well or wells certified by a licensed engineer, hydrogeologist, well driller with a C-57 license, or licensed well pump contractor. The minimum pump testing duration of the well or wells on each lot shall be the following: 3 hours for a well producing 10 gallons per minute (gpm) or more; 24 hours for a well producing 5 gpm to less than 10 gpm; and 3 days for a well producing less than 5 gpm. Additionally, a report of a completed well shall include a general mineral, physical and inorganic analysis as required under California Code of Regulations, Title 22, for non-transient, non-community water systems, and an analysis for coliform bacteria.</th>
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<td>Health Department</td>
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If any proposed Lot shall have a well that fails to meet proof of production and proof of production cannot be met on that Lot, the Lot is question shall be merged with an adjacent Lot and the merged Lot shall be shown on the final map for this subdivision

OR

New subdivision lots will be served by an approved potable water supply. Prior to recordation of a final map for this project, the applicant will prove to the satisfaction of the Health Department that each new Lot has a supply of potable water meeting requirements for quantity and quality. Proof is as follows:

a. an approved connection from an approved public water provider; or

b. a proposed connection to a shared well which has been 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 which may consist of a hydrogeological study of the area by a qualified professional and wells drilled prior to sale.

(Section 16.20.230, Mariposa County Code and Mariposa County General Plan)

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<th>42. The project applicant shall obtain a burn permit from the Mariposa County Air Pollution Control District if any brush or other vegetation is disposed of by burning.</th>
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<td>Mariposa County Air Pollution Control District</td>
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<tr>
<th>43. To mitigate the potential impacts from dust and diesel fumes, the Mariposa County Health Department and the Mariposa County Air Pollution Control District Staff has recommended that prior to any road construction, the applicants prepare and submit an action plan for the implementation of necessary conditions to reduce or eliminate the potential air pollution created during construction. The Plan shall include, at a minimum,</th>
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<tr>
<td>Use of CARB No. 2 low sulfur diesel fuel in all diesel powered equipment serving the project.</td>
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<td>Diesel powered equipment may not be allowed to idle for more than 2 minutes when not being actively used.</td>
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<td>Dust mitigation must prevent fugitive dust emissions from migrating off-site. The applicant shall to provide the Air Pollution Control District (APCD) with a written Dust Mitigation Plan that must be approved by the APCD prior to beginning construction.</td>
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<td>All construction equipment to be maintained as per manufacturer’s recommendation.</td>
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<tr>
<td>Watering of unpaved areas and washing of tracked out dirt and mud from adjacent paved roads to be accomplished daily to mitigate dust.</td>
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<tr>
<td>All applicable sections of the State of California ASBESTOS AIRBORNE TOXIC CONTROL MEASURE FOR CONSTRUCTION, GRADING, QUARRYING, AND SURFACE MINING OPERATIONS must be followed.</td>
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This Plan must be approved by the MCAPCD Director prior to any pre-construction meeting with the Public Works Department per Condition No. 15, and will become a condition on approval of such road construction from the Public Works Department.

**CEQA MITIGATION MEASURES**

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<th>44. An open space setback of 25 feet from the apparent center line shall be established for the seasonal drainages on Lots 6, 7, 10 and 11 20, 21, 22, and 23, as identified and shown on Figure 5 – “Leonard Rd. Environmental Buffer” in the Biological Report as prepared for the project, dated April 23, 2008, shall be established and shown on the final map. The width of the setback area shall be in conformance with</th>
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the Biological Report, to protect the riparian corridor, native plants, species habitat, oak woodlands, and to prevent soil erosion. A statement shall be recorded in Official Records concurrently with the final map and referenced on the final map as follows:

“No structure shall be constructed within the open space setbacks on Lots _____ as shown on the map for ______________, filed in Book of Maps at Page ____, Mariposa County Records. No portions of a sewage disposal system shall be constructed within the open space setback. 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 in consultation with a qualified biological consultant, whose services shall be paid for the property owner. No grading shall be allowed within the setback, except for the construction of a residential driveway and the uses described in the following paragraph.

Residential driveway construction encroaching into the setback area, as shown on the Biological Resources Report prepared for the project, including expansion of any existing crossings, may be subject to a Stream Alteration Agreement (SAA) with the Department of Fish and Game. Should it be determined that a SAA is required, the Agreement may involve site specific biological study of the proposed disturbed area including wetland delineation. Owners of these affected parcels are encouraged to contact the Department of Fish and Game to determine if an SAA is needed prior to any residential driveway construction within this setback area.”

This setback shall be in perpetuity and shall restrict the use of the land within the setback.

Mitigation Measure 4.6.1

45. 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.

(Mitigation Measure)

46. The applicant has the option to:

- Construct all portions of the access road and cul-de-sac so as to not remove oak trees with a diameter of 5" or greater at breast height.

**OR**

- Prior to the filing of the final map and prior to the scheduling of the on-site pre-construction conference required by Condition No. 15, the applicant shall submit an Oak Tree Identification and Preservation Plan to the Mariposa County Planning Department. This Plan shall show all trees of the genus Quercus both on-site and off-site which are located within fifty feet of the centerline of the on-site easement road that are 5" or larger in diameter at breast height, with breast height being 4 ½' above natural grade. All trees identified as Quercus that will be removed for construction shall be identified on this Oak Tree Site Plan. All oak trees identified for removal on the project site shall be replaced at a ratio of three to one of a like species of oak, minimum of 10-gallon size, purchased from a nursery that has stock compatible for project site conditions, except as described below. This Plan shall be prepared by a certified professional arborist, licensed landscape architect, registered professional forester, qualified botanist, or other qualified professional as approved by the Mariposa County Planning Department. This Plan shall specify maintenance requirements, costs, and procedures to ensure the viability of the replacement trees. If the qualified professional preparing this survey suggests an alternative to replacing the trees to be removed, that alternative suggestion shall be evaluated by the Mariposa County Planning Department and if determined to be acceptable by the Planning Director, shall be implemented. If the qualified professional determines that the number of trees removed will not create a significant impact, then that determination shall be presented for the Director’s consideration. The Plan shall be completed and approved by the Planning Department prior to scheduling the on-site road construction meeting required as a condition of project approval. This mitigation measure is not intended to reduce the ability of the applicant to conduct necessary brushing work for fire safety. A letter from the Planning Department shall be submitted to the County Surveyor stating this condition has been met.
Mitarb measured Planning Department Recommendation

47. During road grading 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.

Mitigation Measure 5.a.2

<table>
<thead>
<tr>
<th>RECOMMENDATION ON OFFERS OF DEDICATION</th>
</tr>
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<tbody>
<tr>
<td>Staff recommends that the Planning Commission recommend that the Public Works Director accept the offers of dedication for public access and utilities, but not for maintenance, for the on-site easement roads.</td>
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<tr>
<td>Mariposa Planning Recommendation</td>
</tr>
<tr>
<td>Staff recommends that the Planning Commission recommend that the Public Works Director accept the offer of dedication for public access, utilities, and maintenance for Leonard Road.</td>
</tr>
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<td>Mariposa Planning Recommendation</td>
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</table>
### Agency Contact List

<table>
<thead>
<tr>
<th>AGENCY</th>
<th>CONTACT</th>
<th>PHONE NUMBER</th>
<th>EMAIL</th>
<th>SITE ADDRESS</th>
<th>MAILING ADDRESS</th>
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<tbody>
<tr>
<td>Mariposa Planning</td>
<td>Larry Enrico</td>
<td>209-742-1222</td>
<td><a href="mailto:lenrico@mariposacounty.org">lenrico@mariposacounty.org</a></td>
<td>5100 Bullion Street</td>
<td>P.O. Box 2039</td>
</tr>
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<td></td>
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<td></td>
<td>Mariposa CA 95338</td>
<td>Mariposa CA 95338</td>
</tr>
<tr>
<td>Public Works</td>
<td>Cheryl Jay</td>
<td>209-966-5356</td>
<td></td>
<td>4639 Ben Hur Road</td>
<td>Same as site</td>
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<td></td>
<td></td>
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<td>Mariposa CA 95338</td>
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<tr>
<td>Health Department</td>
<td>Dave Conway</td>
<td>209-966-2220</td>
<td></td>
<td>5100 Bullion Street</td>
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</tr>
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<tr>
<td>Regional Quality Control Board</td>
<td>JoAnne Kipps</td>
<td>559-445-5035</td>
<td></td>
<td>1685 E Street</td>
<td>Same as site</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Fresno CA 93706</td>
<td></td>
</tr>
<tr>
<td>Mariposa County Resource Conservation District</td>
<td>Dawn Afinan</td>
<td>209-966-3431</td>
<td></td>
<td>5009 Fairgrounds Rd</td>
<td>P.O. Box 746</td>
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<tr>
<td>County Assessor</td>
<td>Sarah Wise</td>
<td>966-2332</td>
<td></td>
<td>4982 10th Street</td>
<td>P.O. Box 35</td>
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<td>County Fire</td>
<td>Jim Wilson</td>
<td>209-966-4330</td>
<td></td>
<td>5082 Bullion Street</td>
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<td>CalFire</td>
<td>Matt Watson</td>
<td>209-966-3622</td>
<td></td>
<td>5366 Highway 49 North</td>
<td>5366 Highway 49N</td>
</tr>
<tr>
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<td></td>
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<td>Mariposa, CA 95338</td>
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</tbody>
</table>

**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:**

<table>
<thead>
<tr>
<th>Monitoring Dept:</th>
<th>Department or Agency responsible for monitoring a particular mitigation measure.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Verified Implemented:</td>
<td>When a mitigation measure has been implemented, this column will be initialed and dated.</td>
</tr>
</tbody>
</table>
RECOMMENDED ACTION AND JUSTIFICATION: Waiving the second reading and adopting the ordinance is the final action that needs to be taken by the Board following the Board's action on October 20, 2009 to waive the first reading and introduce the ordinance and adopt a resolution adopting a mitigated negative declaration and approving Zoning Amendment No. 2008-142 and Major Subdivision No. 2008-141. The project also included a Major Subdivision, the approval date for which is effective on the effective date of the ordinance.

BACKGROUND AND CONTEXT OF BOARD ACTIONS: On October 20, 2009 the Board of Supervisors approved Zoning Amendment No. 2008-142 and Major Subdivision 2008-141. The Board waived the first reading and introduced the ordinance on October 20, 2009 and adopted a resolution adopting a mitigated negative declaration and approving the amendment on that same date.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION: None

Financial Impact? ( ) Yes (X) No Current FY Cost: $ 
Budgeted in Current FY? (X) Yes ( ) No ( ) Partially Funded Amount in Budget: __________ ___

Additional Funding Needed: "$ ______________________
Source: __________________________
Transfer Between Funds: 4/5's vote
Contingency: 4/5's vote

CLERK’S USE ONLY: 
Res. No.: __________________________ Ord. No. [1564]
Vote - Ayes: 5 Noes: ______
Absent: ______
( ) Approved ( ) Minute Order Attached ( ) No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office.
Date: __________________________
Attest: MARGIE WILLIAMS, Clerk of the Board
County of Mariposa, State of California

By: __________________________
Deputy

COUNTY ADMINISTRATIVE OFFICER: Requested Action Recommended
( ) No Opinion
Comments:

CAO: __________________________

Revised Dec. 2002
MARIPOSA COUNTY ORDINANCE NO. 1064
(Not to be Codified)

AN ORDINANCE AMENDING THE MARIPOSA COUNTY ZONING MAP

WHEREAS, a proposal to amend the zoning designation on a portion of Assessor's Parcel Number 017-210-010 (4864 Leonard Road) was submitted by Steven Allison on July 30, 2008, and

WHEREAS, the application is known as Zoning Amendment No. 2008-142. The application proposes to rezone a 43.5 acre portion of the above referenced 87 acre parcel located from the Mountain General zone to the Mountain Home zone; and

WHEREAS, the Planning Commission held a duly noticed public hearing on Zoning Amendment No. 2008-142 on the 11th day of September 2009, in accordance with State Law and County Code; and

WHEREAS, the Board of Supervisors held a duly noticed public hearing on Zoning Amendment No. 2008-142 on the 20th day of October 2009, in accordance with State Law and County Code; and

WHEREAS, environmental review has been conducted on Zoning Amendment No. 2008-142 and its accompanying application, Major Subdivision No. 2008-141, in accordance with the California Environmental Quality Act, and a Mitigated Negative Declaration has been adopted for the project.

NOW THEREFORE BE IT ORDAINED, the Board of Supervisors does hereby amend the zoning map of Mariposa County pursuant to Zoning Amendment No. 2008-142. The property to be rezoned is legally described below and is shown on the map in Exhibit A.

"Lot 2 of Section 5, T. 6 S., R 20 E., MDBM"

BE IT FINALLY ORDAINED, this action is based on the findings mandated by Section 17.128.050 of the Mariposa County Zoning Ordinance as shown in Exhibit B.

SECTION II: This ordinance shall become effective thirty (30) days after final passage pursuant to Government Code Section 25123.

PASSED AND ADOPTED on this 10th day of November, 2009 by the following vote.

AYES: ABOURN, TURPIN, BIBBY, CANN, ALLEN
NOES: NONE
ABSTAINED: NONE
EXCUSED: NONE
NOT VOTING: NONE
BRAD ABORN, Chair
Mariposa County Board of Supervisors

Attest:

MARGIE WILLIAMS, Clerk of the Board
Mariposa County Board of Supervisors

APPROVED AS TO FORM:

STEVEN W. DAHLEM, County Counsel
Exhibit B
Findings

1. **The amendment is in the general public interest, and will not have a significant adverse affect on the general public health, safety, peace, and welfare.**

   The amendment is in the general public interest as it will provide densities in the amendment area that can support the required level of road improvements to easement roads for the area, with improved emergency access in the event of wildland fires. The easement road along the easterly boundary travels through the amendment area would not be required and it would not be improved or developed unless the zoning were changed in the area to allow for lots to be created in the southeast portion of the project site. This easement road will provide an addition access loop for properties located south of the project on Harvest Drive. This additional emergency access is in the public interest, and will have a positive affect on the general public health, safety, peace, and welfare.

2. **The amendment is desirable for the purpose of improving the Mariposa County general plan with respect to providing a long-term guide for county development and a short-term basis for day-to-day decision-making.**

   The amendment has no affects on the policies that guide long-term development, but the project will provide for long-term improvements to the circulation in the area that enhance emergency vehicle access and provides for additional evacuation routes in the area. Emergency services will have additional access as part of their long-term planning to improve emergency services. The improved circulation will provide safety personnel with additional resources to use in their day-to-day decision making during emergencies.

3. **The processing of this application conforms to the requirements of state law and county policy.**

   The processing of this project application has been in accordance with all requirements pursuant to state law and county policy.

4. **The amendment is consistent with the goals, policies, and implementation measures of the Mariposa County general plan as follows.**

   The proposed zoning amendment is consistent with the goals, policies and implementation measures of the Land Use Element and other applicable standards in Mariposa County General Plan and Title 17, Mariposa County Zoning. The Mountain Home Zone is consistent with the Residential Land Use of the General Plan.

   The zoning amendment provides additional residential land with smaller parcel sizes and reduced cost of ownership. Under Section 8.10.04 – Housing Objectives and Programs, A. Objective One: - Accommodate the County’s Housing Allocation states: “California law requires the Department of Housing and Community Development to provide the County of Mariposa with its ‘fair share’ of regional housing. This Regional Housing Needs Allocation establishes the minimum number of dwelling units per income classification.” C. Objective Three: – Providing Adequate Sites and Services of the Housing element states: “The County shall provide opportunities for adequate housing sites and new subdivisions to accommodate
anticipated population growth and its fair share of regional housing as required by state law.” The zoning amendment satisfies these objectives by providing increased housing opportunities.

The amendment would provide for additional new development in keeping with the County’s rural character. The zoning amendment and further subdivision would be consistent with Implementation Measure 5-3a(3) which reads “No subdivision shall be approved unless it is found that there is adequate road capacity to serve the new traffic”. The zoning amendment area and subdivision has access to a County maintained road that has been deemed adequate for capacity by the County Engineer.

Implementation Measure 5-3b reads “All subdivision roads shall be maintained roads.” The project has access to a County maintained road, and the easement roads on the property have a required condition of approval that will result in the establishment of a road maintenance association or zone of benefit for the on-site easement roads.

The amendment to the Mountain Home Zone will provide the five-acre density identified by the General Plan as the standard size lot for outlying residential land in the County as identified in Section 5.1.09 of the General Plan. The five acre parcel minimum proposed by the amendment provides the appearance of the rural landscape, the proposed 5+ acres lots permitted by the zoning amendment provide adequate room for on-site sewage disposal systems and provide suitable separation from wells.

5. The subject parcel is physically suitable (including, but not limited to access, provision of utilities and infrastructure, compatibility with adjoining land uses, and absence of physical constraints) for the requested land use designation and the anticipated land use development.

The subject parcel is physically suitable for the requested land use designation and the anticipated land use development. The amendment is located in close proximity to State Highway 49 by way of Leonard Road, a paved County maintained road from the project site to the State Highway. Road improvements on site can be adequately designed and improved to provide required access. The subject parcel’s terrain is similar to surrounding land currently in the Mountain Home Zone, and each lot has adequate room and locations to develop residential uses at the density permitted by the Mountain Home Zone. Further, the soils in the area can support installation of septic systems in accordance with the requirements of the Mariposa County Health Department at the densities permitted by the Mountain Home Zone.