

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

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**STATE OF CALIFORNIA  
COUNTY OF MARIPOSA  
PLANNING COMMISSION**

Resolution  
No. 2013-016

**A resolution conditionally approving Major Subdivision (MS)  
No. 2012-103; Dubberke, Dubberke and Lawson, LLC applicants.  
Assessors Parcel Numbers 012-150-066; 012-150-096; 013-200-014,  
015, and 027**

WHEREAS an application for a major subdivision was received on June 18, 2012 from Dubberke, Dubberke and Lawson for subdivision of property located End of Trabucco Street in the town of Mariposa; APNs: 012-150-066; 012-150-096; 013-200-014, 015, and 027 (one legal parcel).

WHEREAS the project proposes the division of an undeveloped 28.99± acre legal lot undeveloped acres into four (4) 9,013 sq. ft. lots and a 28.16-acre Remainder.

WHEREAS The proposed subdivision is located within the Mariposa Town Planning Area;

WHEREAS a duly noticed public hearing was scheduled for the 20<sup>th</sup> day of December 2013; and

WHEREAS a Staff Report was prepared pursuant to the California Government Code, Mariposa County Code, 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 Staff Report, the Initial Study, testimony presented by the public concerning the application, and the comments of the applicants and the agent; and

WHEREAS the Planning Commission did hold a public hearing wherein issues were addressed related to the subdivision including Mariposa Town Planning Standards for lot size, configuration, access, circulation and grading.

BE IT THEREFORE RESOLVED THAT the Planning Commission of the County of Mariposa does hereby approve Major Subdivision Application No. 2012-103.

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

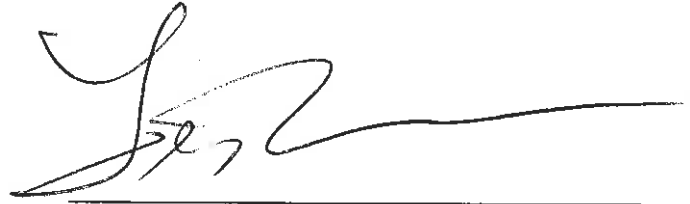
ON MOTION BY Commissioner Harris seconded by Commissioner Becker this resolution is duly passed and adopted this 20<sup>th</sup> day of December by the following vote:

AYES: Bernikoff, Becker, Marsden, Harris

NOES: Harter

EXCUSED: None

ABSTAIN: None



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Les Marsden, Chairman  
Mariposa County Planning Commission

Attest:



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Judy Mueller, Secretary  
Mariposa County Planning Commission

*Exhibit 1*

*Project Findings for Major Subdivision No. 2012-103*

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

**EVIDENCE:** Based on the site inspection, and the proposed tentative map dividing the existing parcel into four lots meeting the 9,000 square foot net minimum lot size, the site is physically suited for medium-density homes and appurtenant improvements. The lots are consistent with Sections 3.31, 3.32, 3.34 and 3.39 of Mariposa Town Planning Area Town Plan standards, which address slope density requirements, road frontage, drainage easements and facilities, and tree preservation standards, respectively. The subdivision density is designed in accordance with the Single Family Residential 9,000 sq. ft. minimum lot size zone standard as described in the Mariposa Town Planning Area Town Plan. The fill area for the temporary turnaround will be required to meet minor drainage setback and easement requirements as described in sections 3.21.B and 3.34 of the Mariposa Town Planning Area Town Plan. The fill placement for the temporary turnaround as well as other uses will not be allowed to be placed within 25 feet of the apparent centerline of the minor drainage on the project site, unless lesser setbacks and easement widths are approved by the Planning Director as authorized in the Town Plan.

The proposed lots do not have average slopes in excess of 20%. Therefore, hillside development standards, as described in Section 3.24 of the Town Plan do not apply to this project.

The access to the project is found to be adequate, pursuant to the information and analysis contained in the County Road Augmentation Plan prepared by Roger Stephens Engineering. This finding is made for this project only, based on its limited scope, and is not intended to establish precedence for future projects.

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 subject property is located within the limits of the Mariposa Town Planning Area. The Mariposa Town Planning Area Specific Plan (Town Plan), adopted January 14, 1992, included an Environmental Impact Report evaluating the effects of the Specific Plan adoption, including the potential effects of further development within the TPA that would be in keeping with the density standards of the Specific Plan. The Specific Plan EIR was certified by the Board of Supervisors on January 14, 1992 by County Resolution No. 92-37.

The EIR proposed mitigation measures to decrease the impact of the unavoidable environmental effects. This project and the recommended conditions are consistent with the mitigation measures contained within the EIR. The EIR addressed the impact of the Specific Plan on the existing traffic and safety hazards on County roads.

Because the Environmental Impact Report has already addressed the environmental impacts of the Specific Plan, and because the project is designed in accordance with the Specific Plan requirements and will be required to comply with all conditions of approval based upon the Town Plan, including the special subdivision standards for the Town Plan, and based on the limited scope of this project, the majority of impacts have already been addressed and mitigated and subsequent information provided in a biological study that included the project site, the project will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

3. **FINDING:** Pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines and Section 15183 of the CEQA Guidelines, the project is exempt from the requirements of CEQA.

**EVIDENCE:** As documented by the staff report, the project is consistent with the Mariposa Town Planning Area Specific Plan for which an EIR has been certified. Substantial changes have not occurred with respect to the circumstances under which the EIR was certified and no additional review is required pursuant to Section 15183, CEQA Guidelines, other than review of project specific impacts. Biological and cultural resources studies prepared for an area which includes the project site show that the project will not result in significant adverse environmental impacts. Additionally, a County Road Augmentation (CRA) Plan prepared by a licensed Civil Engineer showed that the proposed project, including mitigations, will not create significant impacts. The General Rule Exemption; Section 15061(b)(3), CEQA Guidelines, also applies to this project. Pursuant to this section, this matter is Exempt from the provisions and guidelines of the California Environmental Quality Act (CEQA). There is no possibility that the project will have a significant effect on the environment.

4. **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 medium-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 connect to MPUD systems in accordance with MPUD regulations for water and wastewater disposal. The proper location and implementation of these improvements will ensure that serious health problems will not occur on the site. Additionally, all future residential uses will be required to comply with the State Fire Safe Standards as mandated by California Public Resource Code Sections 4290 and 4291, which will eliminate any potential health and safety issues related to fire protection.

5. **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 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. The Mariposa Town Planning Area Town Plan covers the subject property; the project map is consistent with the density allowed by the plan.

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

**EVIDENCE:** The minimum parcel size proposed by the project is consistent with standards contained in the General Plan, the Town Plan, and the Zoning Ordinance. The land division's design complies with the County Subdivision Ordinance's maximum 4:1 length to width ratio for parcel configuration. The project design is consistent with the requirements of the Mariposa Town Planning Area Specific Plan, including the Special Subdivision Standards for the TPA (Ordinance No. 823).

A deviation from the Countywide road standards is appropriate for this project pursuant to Section 2.5.C.1 of the Mariposa Town Plan, based on the limited scope of the project and to enhance the neighborhood character and reduce cut and fill required for road and frontage improvements. The approval of a deviation is made for this project only, based on its limited scope and topography south of the road improvements, and is not intended to establish precedence for future projects.

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

**EVIDENCE:** The project will not conflict with any public easement. The project has been designed in such a way that public easements are not affected. Affected utility companies have reviewed the proposed project and have not objected to the proposal.

8. **FINDING:** The County Road Augmentation (CRA) Plan prepared for this project found that when the mitigation measures proposed as part of the CRA Plan are implemented,

the project design will be consistent with the General Plan and Town Plan for Mariposa. The Manzanita Estates South project will not create greater public safety impacts on Trabucco Street than would exist on a standard town street. The implementation of the mitigation will result in the off-site 0.04 mile portion of Trabucco meeting a Class I paved standard, which is identified as being sufficient for up to 249 Average Daily Trips (ADT) in rural parts of the county. Upon further development of the project site (a future project), Trabucco Street will be required to be improved to full Town Class II standards. The granting of the waiver to the required improvements, with implementation of the mitigation measures identified in the CRA plan will not be detrimental.

**Exhibit 2**  
***Conditions of Approval and Mitigation Measures***  
***for***  
***Major Subdivision Application No. 2012-103***

**Project Name: Manzanita Estates**

**File Number: Major Sub No. 2012-103**

**Project Approval Date: December 20, 2013**

The following conditions of approval and mitigation measures were approved for this project in order to ensure compliance with county codes and policies, and to mitigate identified environmental impacts to a level of insignificance. A completed and signed checklist indicates that the conditions and mitigation measures have been complied with and implemented, and fulfills the County of Mariposa's Mitigation Monitoring requirements with respect to Assembly Bill 3180 (Public Resources Code Section 21081.6)

**Project Name: Dubberke, Dubberke, & Lawson, LLC**

**File Number: Major Subdivision Application No. 2012-103**

**Project Approval Date: December 20, 2013**

The following proposed project (project description) and conditions of approval are recommended 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.

**Approved Project Description:**

The approved project description includes the Revised Tentative Map of Manzanita Estates South, dated July 2013 (2 sheets) and the Engineered Preliminary Grading Plan, Erosion Control Plan, and Sediment and Dust Control Plan, dated 8/9/13 (Roger Stephens Engineering).

The approved project description includes the applicant's proposals as contained in the CRA Plan as follows:

1. Request that the Mariposa County Board of Supervisors amend Mariposa County Code, Title 10, by ordinance, to establish a "No Parking" zone within the 40-foot right-of-way along Trabucco Street from its intersection with Mariposa Street and extending 200 feet northeasterly.
2. Pay for and install necessary "No Parking" signage along the 200-foot portion of the Trabucco Street right-of-way.

3. Remove the chain link fence and gate at the northeasterly end of the existing county-owned asphalt portion of Trabucco Street and make minor repairs to establish a full 20-foot asphalt surface in the existing gate and fence area.
4. Trim trees and shrubbery that restrict the use of or sight distance along the street.
5. Clean street and drainage facilities as necessary.

<b>Sign-Off Checklist for List of Conditions of Approval</b>		
	<b>Monitoring Dept.</b>	<b>Verified Implemented</b>
<b>CONDITIONS OF APPROVAL / PUBLIC WORKS DEPARTMENT</b>		
<p>1. A dedication of the existing on-site County-maintained portion of 6<sup>th</sup> Street Extended and the existing on-site County-maintained portion of Mariposa Street to the southerly end of the existing improved portion of Mariposa Street 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 "public road and utility purposes." The location and width of the offer of dedication shall be approved by the County Engineer. A grant of fee title would serve as an acceptable alternative.</p> <p>(Section 16.12.150, County Subdivision Ordinance; Section II.A.3, Road Improvement and Circulation Policy)</p>	Public Works	
<p>2. Trabucco Street from Mariposa Street to the southwesterly property line of the Mariposa County Unified School District property (APN 013-100-018) shall be improved to a Town Class II paved standard and shall meet this standard at the time of final map recordation. The existing fence and gate at the southwesterly property line of the School property shall be removed to provide the necessary improvement width. 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.</p> <p>(General Plan Adequate Capacity Findings)</p>	Public Works	



<p>- OR -</p> <p>All of the following shall apply:</p> <p>The applicant shall comply with the mitigation identified in County Road Augmentation (CRA) Plan dated February 7, 2013 prepared by Roger Stephens Engineering. The five mitigation measures 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 on the required road improvements.</p> <p>(General Plan Adequate Capacity Findings; CRA Plan prepared by Roger Stephens Engineering; Project Proposal)</p>		
<p>3. Trabucco Street fronting the project site from the southwesterly line of the school property to the east boundary of lot 4 shall be improved to a Town Class II paved standard with a parking lane and 4 foot wide sidewalk along one side, and shall meet this standard at the time of final map recordation. As an alternative to the continuous parking lane requirement, parking pockets may be used where a minimum of one on-street parking space per residential unit is provided and the maximum distance from each parcel to the on-street space is 300 feet.</p> <p>All of the required road improvements shall be completed in accordance with the Road Improvement and Circulation Policy and the County Improvement Standards and shall be approved by the County Engineer at the time of the recordation of the final map. The County Engineer may require engineered improvement plans prepared by a Registered Civil Engineer for any improvements required as a condition of approval for this project. If engineered improvement plans are required, the plans shall be approved by the County Engineer prior to commencement of construction work on the required road improvements.</p> <p>-OR-</p> <p>All of the following shall apply:</p> <p>Trabucco Street from the southwesterly line of the school property to the easterly edge of the required driveway improvements for Lot 4 shall be improved to a Town Class II standard with a parking lane and 4 foot wide sidewalk along one side, and shall meet this standard at the time of final map recordation. As an alternative to the continuous parking lane</p>	<p>Public Works</p>	

<p>requirement, parking pockets may be used where a minimum of one on-street parking space per residential unit is provided and the maximum distance from each parcel to the on-street space is 300 feet.</p> <p>Trabucco Street from the easterly edge of the required driveway improvements for Lot 4 to the proposed turnaround as shown on the Revised Tentative Map shall be improved to a Rural Class II gravel standard.</p> <p>All of the required road improvements shall be completed in accordance with the Road Improvement and Circulation Policy and the County Improvement Standards and shall be approved by the County Engineer at the time of the recordation of the final map. The County Engineer may require engineered improvement plans prepared by a Registered Civil Engineer for any improvements required as a condition of approval for this project. If engineered improvement plans are required, the plans shall be approved by the County Engineer prior to commencement of construction work on the required road improvements.</p> <p>(§16.12.170, County Subdivision Ordinance; Road Improvement and Circulation Policy; Mariposa Town Plan Section 2.5.C.1)</p>		
<p>4. An encroachment permit shall be obtained from the Mariposa County Public Works Department prior to any work being done on or adjacent to 6<sup>th</sup> Street Extended, Mariposa Street, and the county-maintained portion of Trabucco Street. In addition, all grading and road improvement work required as a condition of approval of this project shall comply with the Mariposa County Improvement Standards and all requirements contained therein.</p> <p>The County Engineer may require improvement plans prepared by a Registered Civil Engineer for any improvements required as a condition of approval of for this project. If engineered improvement plans are required, the plans shall be approved by the County engineer prior to the commencement of construction work on the required road improvements</p> <p>(Chapter 11, County Improvement Standards)</p>	<p>Public Works</p>	
<p>5. A variable width turnaround easement with a minimum radius of 60 feet shall be provided to encompass the required turnaround improvements. Additional easement width greater than 60 feet may be required to encompass the required turnaround improvements, including cuts and fills, in accordance with the County Improvement Standards and Road Improvement and Circulation Policy.</p> <p>The easement which encompasses the proposed turnaround as shown on</p>	<p>Public Works</p>	

<p>the Revised Tentative Map shall be offered for dedication to the County of Mariposa. The offer of dedication for this project shall be non-exclusive and specifically state the dedications are for "public road and utility purposes". The offers of dedication for the turnaround may be abandoned upon future development of the remainder, when a through road is created.</p> <p>(Section 16.12.160.B, County Subdivision Ordinance; Road Standard Cross-sections, Road Improvement and Circulation Policy)</p>		
<p>6. 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.</p> <p>(Public Works Department Recommendation)</p>	Public Works	
<p>7. A cul-de-sac shall be constructed as shown on the Revised Tentative Map of Manzanita Estates South just east of proposed Lot 4. The cul-de-sac shall be improved to meet county standards and shall meet these standards at the time of final map recordation. The required cul-de-sac improvements shall be completed in accordance with the Road Improvement and Circulation Policy and the County Improvement Standards and shall be inspected and approved by the County Engineer prior to recordation of the final map. Prior to recordation of the final map, the County Surveyor shall confirm that this condition has been met.</p> <p>(Section 11.4(B)(9) County Improvement Standards)</p>	Public Works	
<p>8. Prior to the commencement of any road improvements, road construction or other road building or maintenance activities required as a condition of approval for this project and prior to issuance of any encroachment permit for the required improvements, a consultation meeting with a representative of each of the following shall occur: the Public Works Department, CalFire, MPUD, the applicant, the agent, the Planning Department, and the road contractor. 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 County Engineer shall verify that this condition has been met prior to issuance of any road improvement or encroachment permit required for this project and prior to the scheduling of any onsite inspection of road</p>	Public Works	

<p>improvements.          (Public Works Recommendation)</p>		
<p>9. The edges or boundaries of the easements for Trabucco Street from Mariposa Street to the proposed cul-de-sac shall be staked in the field by the project surveyor prior to the on-site consultation meeting described in Condition No. 8. The twenty-five foot setback from the minor drainage as describe din Condition No. 19 shall be staked in the field by the project surveyor prior to the on-site consultation meeting described in Condition No. 8. The staking of the road and the drainage setback shall be maintained during road construction activities. The purpose of the staking is to ensure that all required road improvements are contained within the existing easements and outside of required drainage setbacks.          (Planning Department Recommendation)</p>	<p>Public Works</p>	
<p>10. Prior to the commencement of any road improvements, road construction or other road building or maintenance activities required as a condition of approval for this project, the applicant shall contact the Regional Water Quality Control Board to determine if a General Permit for Discharges of Storm Water Associated with Construction Activity is required. If required, the applicant shall obtain the permit prior to commencement of construction activities. A copy of the approved permit or evidence that a permit is not required shall be submitted to the Public Works Department by the applicant prior to the on-site consultation meeting required by Condition of Approval No. 8. If a permit is required, all provisions and requirements of the permit shall be implemented during project construction and shall be completed prior to recordation of the final map. The applicant shall submit to the Public Works Department 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])</p>	<p>Public Works</p>	
<p>Immediately upon completion of the required road, encroachment improvements and driveway 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; County Improvement</p>	<p>Public Works</p>	

Standards)		
<p>12. Prior to the commencement of any utility improvements required as a condition of approval for this project and prior to issuance of any encroachment permit for the required utility improvements, a consultation meeting with a representative of the Public Works Department, the applicant, the agent, the representative(s) of the utility companies, and the contractor(s) shall occur. This meeting shall be conducted on-site and may be coordinated with the consultation meeting required by Condition No 8. This consultation meeting shall be set up by the applicant and/or agent. Any and all costs associated with the consultation shall be the responsibility of the applicant. The County Engineer shall verify that this condition has been met prior to issuance of any road improvement or encroachment permit required for this project and prior to the scheduling of any inspection of road improvements.</p> <p>(Public Works Recommendation)</p>	Public Works	
<p>13. A road maintenance association shall be formed to provide for the maintenance of Trabucco Street from the southwesterly line of the School property to (and including) the proposed cul-de-sac. Maintenance shall include, but not be limited to, drainage and erosion control devices, fuel modification, and upkeep of road surfaces. The road maintenance association provisions shall be developed by the applicant so those parcels served by the easement road shall be responsible for road maintenance. These provisions shall be reviewed and approved by the County Engineer prior to recordation of the final map and shall:</p> <ol style="list-style-type: none"> <li>a. Be in effect for the life of the project unless said maintenance is taken over by the County, a special district, or other governmental entity.</li> <li>b. Provide for annual maintenance and the immediate correction of emergency and hazard situations.</li> <li>c. Include 100% of the parcels in the subdivision served by the access roads.</li> <li>d. Provide a mechanism for the road maintenance association to collect delinquent payments or assessments for the maintenance described above by filing a lien on the delinquent properties.</li> <li>e. Provide a mechanism for new parcels to be added to the association.</li> </ol>	Public Works	

<p>As an alternative to what is required above, the applicant may join into an existing road maintenance association for Trabucco Street, if there is one which is active and which generally accomplishes the objectives described in this condition. If the applicant elects this alternative, the applicant shall provide evidence that the subject parcels are legally “joined” into the existing association and shall provide information about the association. The existing association must maintain those portions of Trabucco Street described in Conditions 3 and 7 above.</p> <p>(Public Works Department Recommendation; Section II.I, Road Improvement and Circulation Policy)</p> <p>-OR-</p> <p>Road Maintenance (Zone of Benefit)</p> <p>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 described in Conditions 3 and 7 above. The applicant shall be responsible for all costs associated with the filing of the petition, including but not limited to, preparation and costs estimates.</p> <p>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.</p> <p>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.</p> <p>The formation of the Zone of Benefit shall be completed prior to recordation of the final map.</p> <p>(Section II.I, Road Improvement and Circulation Policy)</p>		
<p>14. If Condition No. 13 is met by the formation of a road maintenance association, a declaration or covenant of non-protest for road maintenance for Trabucco Street shall be recorded 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 owner or future owners of the parcels waive their right to protest the formation of a zone of benefit or assessment district with Countywide</p>	<p>Public Works</p>	

<p>County Service Area No. 1 for road improvements, road upgrades, and/or maintenance of the non-county maintained portion of Trabucco Street providing access to their parcels. The declaration or covenant shall be approved by the Public Works Director prior to recordation.</p> <p>(Public Works Recommendation; Section II.I, Road Improvement and Circulation Policy)</p>		
<p>15. If the non-county maintained portion of Trabucco Street is accepted by the County for public access but not for maintenance, a sign stating "THIS ROAD IS NOT COUNTY MAINTAINED" shall be installed along Trabucco Street at the southwesterly line of the school property. 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 Trabucco Street shall be placed at the intersection of Trabucco Street and Mariposa Street. 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>	Public Works	
<p>17. 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>18. A stop sign shall be placed at the intersection of Trabucco Street and Mariposa Street. 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>19. No buildings, fill placements, and uses set forth in Section 17.336.015, County Code, including that associated with road and cul-de-sac construction shall be placed within 25 feet of the apparent centerline of the minor drainage which runs in a north/south direction through the project site, unless a lesser setback or a replacement of the natural drainage with stormwater drainage facilities is approved by the Planning Director when it is determined that the drainage will not be</p>	Public Works	

<p>adversely affected. The Planning Director may require any information, including an engineered study, necessary to determine the impact on the flow of floodwaters. Engineered studies shall analyze the entire watershed of the minor drainage based upon planned buildout. Construction within 25 feet of the apparent centerline of the drainage as may be approved by the Planning Director may require additional environmental review and an analysis of that review by applicable resource agencies. Such construction may require the project applicant to enter into a Stream Alteration Agreement with the California Department of Fish and Game.</p> <p>The project applicant has submitted engineered plans to Mariposa Planning showing road/cul-de-sac construction location, which verifies this condition is met. The plans shall be submitted to Public Works for review and approval prior to any construction occurring on the project site.</p> <p>(Sections 3.21(B) and 3.34 and Exhibit 7, Mariposa Town Planning Area Town Plan; Section 17.336.015(B), Title 17)</p>		
<p>20. Prior to recordation of the final map, the necessary infrastructure to provide electric, telephone, and cable television services (e.g. utility conduits) shall be installed to each parcel in accordance with the specifications and requirements of the utility company. If the cable television service provider does not wish to install infrastructure at this time, a letter from the service provider shall be submitted to the County Engineer stating they do not wish their infrastructure to be installed by the subdivider prior to recordation of the final map. The infrastructure shall be installed underground from the nearest overhead line and shall be coordinated with road improvement construction. Construction work associated with utility improvements within road easements shall not commence until utility lay-out plans provided by the affected utility companies are submitted to the County Engineer and road improvement plans are approved by the County Engineer. Utility easements shall be established for all utility improvements located outside road easements.</p> <p>(Section 9, County Subdivision Ordinance No. 823)</p>	<p>Public Works</p>	
<p>21. Paved driveways shall be constructed to each parcel from the easement road to the outer edge of the easement. The driveways shall be constructed in accordance with Section 11.5 (a) (1) of the Mariposa County Improvement Standards, and the location of the driveways shall be approved by the County Engineer prior to construction.</p> <p>(Section 11.5, County Improvement Standards)</p>	<p>Public Works</p>	



<p>22. A Preliminary Soils Report shall be submitted to the County Planning Department as required by Mariposa County Code Subdivision Ordinance, Section 16.20.220 and by Sections 66490 and 66491 of the Subdivision Map Act. The Soils Report shall be reviewed and approved by the County Engineer prior to final map filing.</p> <p>(Section 16.20.220, Mariposa County Code)</p>	<p>Public Works</p>	
<p>23. Prior to recordation of the final map, water and sewer infrastructure (off-site and on-site) shall be installed to each parcel in accordance with Mariposa Public Utility District (MPUD) specifications and requirements. In addition, fire hydrants shall be installed within the subdivision in accordance with MPUD specifications and requirements. The installation of the required MPUD improvements within the road and utility easements shall not commence until road improvement plans are approved by the County Engineer. Utility easements shall be established for all MPUD improvements located outside the road easements.</p> <p><i>Specific MPUD Requirements:</i></p> <p>Prior to recordation of the final map, the project applicant shall provide assurance that water service lines will be adequate to meet the residential fire sprinkler requirements. The assurance must be provided by a registered engineer or individual licensed to design residential fire sprinkler systems.</p> <p>Prior to recordation of the final map the project applicant shall install fire hydrants at a maximum distance of 250 feet from any point on the street frontage for each lot.</p> <p>Prior to recordation of the final map the project applicant shall install a sewer lateral from the sewer main to the property line of each lot.</p> <p>For water and wastewater facilities a permit and payment of connection fees is required before construction of structures on the lots.</p> <p>(Sections 6 and 7 County Ordinance 823; Planning Department Recommendation)</p>	<p>Public Works and MPUD</p>	
<p>24. A Verification of Taxes Paid Form, acquired no sooner than 30 days prior to the recordation of the final map, shall be submitted to the County Surveyor.</p> <p>(§16.12.395, Mariposa County Subdivision Code)</p>	<p>Public Works</p>	

<p>25. Subdivision Map Act Section 66434.2 applies to the recordation of the final map for this project.</p> <p>(Staff Recommendation)</p>	<p>Public Works</p>	
<p>26. All of the provisions within the project proposal shall be implemented prior to recordation of the final map for this project. This includes: a) all provisions contained on the two sheets of the Tentative Map; b) all provisions contained within the preliminary grading plan, erosion control plan and sediment and dust control plan; and c) all 5 provisions (mitigations) specified in the CRA Plan.</p> <p>(Project Proposal; Staff Recommendation)</p>	<p>Public Works</p>	
<p>CONDITION OF APPROVAL / MARIPOSA PLANNING</p>		
<p>27. Project approval is valid for a period of three years from December 20, 2013. This approval shall expire on December 20, 2016.</p> <p>A time extension may be obtained, if the application is submitted to Mariposa Planning prior to December 20, 2016.</p> <p>(§16.12.430, Mariposa County Subdivision Code)</p>	<p>Mariposa Planning</p>	
<p>28. Prior to recordation of the final map, all fees associated with the County's processing of the map and filing of associated documents shall be paid. The applicant may choose to have Mariposa County Planning file the Notice of Exemption (NOE) with the Mariposa County Clerk. While filing is not required, it shortens the statute of limitations on challenges to the environmental determination from 180-days to 35-days. If the applicant opts to file, then the NOE must be posted at the County Clerk's Office within five working days of December 20, 2013. The County Clerk's Office requires a fee of \$50.00 for the filing of a NOE. If the property owner opts to file, cash or a money order for \$50.00 made payable to the Mariposa County Clerks Office shall be submitted to the Planning Department within 4 working days of the approval of the land division. (The County Clerk's Office will not accept personal checks for this fee).</p> <p>Note, the filing fees are adjusted annually, effective January 1<sup>st</sup> of each year, pursuant to Fish and Game Code.</p> <p>(§16.12.390, Mariposa County Subdivision Code)</p>	<p>Mariposa Planning</p>	

<p>29. The Property Owner (Owner) shall indemnify, protect, defend, and hold harmless the County, and any agency or instrumentality thereof, and officers, officials, employees, or agents thereof, from any and all claims, actions, suits, proceedings, or judgments against the County, or any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof to attack, set aside, void, or annul, any approval of the County, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the County, concerning the project and the approvals granted herein. Actions concerning the project and approvals granted shall include, but not be limited to, the environmental determination made pursuant to the California Environmental Quality Act (CEQA). Furthermore, Owner shall indemnify, protect, defend, and hold harmless the County, or any agency or instrumentality thereof, against any and all claims, actions, suits, proceedings, or judgments against another governmental entity in which Owner's project is subject to that other governmental entity's approval and a condition of such approval is that the County indemnify and defend such governmental entity. County shall promptly notify the Owner of any claim, action, or proceeding. County will further cooperate in the defense of the action.</p> <p>An agreement on a form approved by Mariposa County Counsel shall be executed within twenty (20) working days of the date of project action. Non-compliance with this condition may result in revocation of project approval by the county.</p> <p>(COUNTY ORDINANCE NO. 1017)</p>	<p>Mariposa Planning</p>	
<p>30. The minimum parcel size of each lot shall be 9,000 square feet net, exclusive of road easements. The County Surveyor shall ensure this condition is met prior to recordation of the final map.</p> <p>(County Code Section 17.312.020.B; Staff Recommendation)</p>	<p>Mariposa Planning</p>	
<p>31. A declaration shall be recorded concurrently with the final map and shall be referenced on the final map or shall be included on an additional map sheet which indicates its relationship to the final map. The statement shall state the following:</p> <p>"This notice is not intended to affect record title interest. All residential buildings, 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</p>	<p>Mariposa Planning</p>	

<p>prepared for the subdivision. The foundation requirements must be incorporated into the building plan and permit."</p> <p>(Planning Department Recommendation)</p>		
<p>32. Prior to recordation of the final map, evidence that the State Department of Real Estate Public Report process has been commenced shall be submitted to the County Surveyor. Completion of the public report process is not necessary for map recordation, but is necessary prior to lot sale.</p> <p>(Planning Department Recommendation)</p>	Public Works	
<p>33. Proof of water shall be provided on Lots 1 through 4 prior to recordation of the final map for this project. An approved connection from the Mariposa Public Utility District, which is an approved public water provider, is satisfactory evidence of proof of water.</p> <p>(Section 16.20.230, Mariposa County Code)</p>	Public Works	
<p>34. Prior to commencement of road construction within the Trabucco Street easement fronting the project site, the applicant shall provide a letter from Pacific Gas &amp; Electricity (PG&amp;E) to the County Surveyor assuring that the electrical pole(s) currently in the easement has/have been moved outside of the area for road and frontage improvements or is/are beyond the limits of grading.</p> <p>Staff Recommendation</p>	Public Works	
<p>35. All county fees for processing of this project shall be paid within forty-five (45) days of the date of billing. The final map shall not be recorded if there are outstanding county fees.</p> <p>(Staff Recommendation)</p>	All Agencies and Departments	
<p>36. 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</p>	Planning Department	

<p>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>(Staff Recommendation)</p>		
<p><b>CONDITIONS OF APPROVAL/ MARIPOSA PUBLIC UTILITY DISTRICT</b></p>		
<p>37. Prior to recordation of the final map, the unpaid portion of the Saxon Creek Assessment District 94-1 assessments shall be paid in full. As an alternative, an apportionment of existing assessments may be prepared. The MPUD Assessment Engineer will prepare the apportionment. The property owner is responsible for all costs relating to apportionments.</p> <p>(Mariposa Public Utility District Requirement)</p>	<p>MPUD</p>	
<p><b>CONDITIONS OF APPROVAL/CALIFORNIA DEPARTMENT OF FORESTRY &amp; FIRE PROTECTION</b></p>		
<p>38. Prior to recordation of the final map, all applicable State Fire Safe Regulations shall be met. A letter shall be submitted to the County Surveyor by CalFire stating this condition has been met.</p> <p>(State Fire Safe Regulations)</p>	<p>CalFire</p>	
<p><b>AIR POLLUTION CONTROL DISTRICT CONDITIONS</b></p>		
<p>39. No truck will be allowed to idle on the site for more than five minutes. All drivers will be required to turn-off and restart the engines should the trucks idle more than five minutes or they expect that they will be idling for more than five minutes. [Title 13 CCR 2485 (c)(1)(A)]</p> <p>All diesel powered equipment must use CARB No. 2 low sulfur diesel fuel. [Title 13 CCR 2282]</p> <p>Prior to any ground disturbance, sufficient water must be applied to the area. It is to be prepared to prevent visible dust from leaving the site. [Title 17 CCR 93105]</p> <p>Areas to be graded or excavated must be kept adequately wetted to prevent visible emissions from crossing the property line. [Title 17 CCR 93105]</p>	<p>Air Pollution Control District</p>	

<p>Storage piles must be kept adequately wetted, treated with a chemical dust suppressant, or covered when material is not being added to, or removed from the pile. [Title 17 CCR 93105]</p> <p>Equipment must be washed down before moving from the property onto paved public road. [Title 17 CCR 93105]</p> <p>Visible track out on the paved public road must be cleared using wet sweeping or HEPA filter equipment vacuum device within 24 hours. [Title 17 CCR 93105]</p> <p>Earthmoving activities must be suspended if wind speed exceeds 10 MPH. [Title 17 CCR 93105]</p> <p>The applicant must obtain a burn permit if any site clearing will involve burning of brush or other vegetation. [MCAPCD Rule 302.1(A) Health &amp; Safety Code Section 41852]</p>		
<b>REMAINDER CONDITIONS</b>		
<p>40. A declaration shall be recorded concurrently with the final map and shall be referenced on the final map or shall be included on an additional map sheet which indicates its relationship to the final map. The statement shall state the following:</p> <p style="padding-left: 40px;">“A Certificate of Compliance must be obtained prior to issuance of a development permit for the designated Remainder of the Final Map for ____, in accordance with Section 16.04.030 of Mariposa County Code.” (Section 16.04.030, County Subdivision Ordinance)</p>	<p>Planning Department</p>	
<p>41. A declaration shall be recorded concurrently with the final map and shall be referenced on the final map or shall be included on an additional map sheet which indicates its relationship to the final map. The statement shall state the following:</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 of the Final 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</p>	

(Planning Department Recommendation)		
<p>42. 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 application for and recordation of the certificate of compliance shall be paid by the applicant.</p>	<p>Planning Department</p>	
<p>(Planning Department Recommendation)</p> <p>43. If the Remainder is not shown on the recorded final map, then the applicant or agent shall provide the County Surveyor with a legal description (typed, stamped and signed legal descriptions along with lot closure computations) of the Remainder. Following approval of the legal description by the County Survey, the description shall be forwarded to the Planning Department for recording.</p> <p>(Planning Department Recommendation)</p>	<p>Planning Department</p>	

Agency Contact List				
AGENCY	CONTACT	PHONE NUMBER EMAIL	SITE ADDRESS	MAILING ADDRESS
Mariposa Planning	Brian Foucht	209-742-1216 bfoucht@mariposacounty.org	5100 Bullion Street Mariposa CA 95338	P.O. Box 2039 Mariposa CA 95338
Mariposa Public Utility District	Mark Rowney	209-966-2515	4992 7 <sup>th</sup> St Mariposa, CA 95338	P.O. Box 494 Mariposa, CA 95338
Public Works	Russ Marks	209-966-5356	4639 Ben Hur Road Mariposa CA 95338	Same as site
Health Department	Dave Conway	209-966-2220	5100 Bullion Street Mariposa CA 95338	P.O. Box 5 Mariposa CA 95338
Regional Water Quality Control Board	Staff	559-445-5035	1685 E Street Fresno CA 93706	Same as site
Mariposa County Resource Conservation District	Staff	209-966-3431	5009 Fairgrounds Rd Mariposa CA 95338	P.O. Box 746 Mariposa CA 95338
County Assessor	Sarah Brewster	966-2332	4982 10th Street Mariposa CA 95338	P.O. Box 35 Mariposa CA 95338
County Fire	Jim Middleton	209-966-4330	5082 Bullion Street Mariposa CA 95338	P.O. Box 162 Mariposa CA 95338
CalFire	Staff	209-966-3622	5366 Highway 49 North Mariposa CA 95338	Same as site

**Certificate of Completion:**

By signing below, the Planning Dept confirms that the required conditions of approval for Final Map Approval 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*.

\_\_\_\_\_  
 Planning Dept

\_\_\_\_\_  
 Date

**Explanation of Headings:**

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

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