Resolution
No. 2009-001  A resolution conditionally approving Lot Line Adjustment 2007-136 and
Major Subdivision Application No. 2007-137, Charles and Tina Worley,
applicants. Assessor Parcel Number 017-480-036, 037 and 094.

WHEREAS an application for a twelve-lot major subdivision was received on August 1, 2007
from Charles and Tina Worley for a property located at 4496 Hirsch Road, also known as
Assessor Parcel Numbers 017-480, 036, 037, and 094; and

WHEREAS an application was also made for a Lot Line Adjustment for three project parcels;
and

WHEREAS the property is located approximately 2.2 miles south of the intersection of Hornitos
Road and State Highway 49 South; and

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

WHEREAS as revised project map was submitted on September 8, 2008; and

WHEREAS the project was determined to be complete for processing on September 8, 2008 with
the receipt of all environmental information that was necessary for review of the project;
and

WHEREAS a duly noticed public hearing was scheduled for the 23rd day of January, 2009; and

WHEREAS the duly noticed public hearing was continued until the 6th day of February, 2009;
and

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

WHEREAS a Staff Report and an 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 continued hearing date
and considered all of the information in the public record, including the Initial Study and
Staff Report, testimony presented by the public concerning the application, and the
comments of the applicant.
NOW THEREFORE, BE IT RESOLVED THAT the Planning Commission of the County of Mariposa does hereby approve a Mitigated Negative Declaration.

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby approve Lot Line Adjustment 2007-136 and Major Subdivision Application No. 2007-137.

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

ON MOTION BY Commissioner Skyrud, seconded by Commissioner Francisco, this resolution is duly passed and adopted this February 6, 2009 by the following vote:

AYES: Ross, Skyrud, Rudzik, Francisco and Marsden

NOES: None

EXCUSED: None

ABSTAIN: None

Bob Rudzik, Chair
Mariposa County Planning Commission

Attest:

Judy Mueller, Secretary to the
Mariposa County Planning Commission
EXHIBIT 1
PROJECT FINDINGS
FOR
LOT LINE ADJUSTMENT 2007-136 AND
Major Subdivision Application No. 2007-137

Pursuant to Mariposa County Zoning Ordinance, Section 16.16.040, the following Findings are made:

Project Findings for Lot Line Adjustment No. 2007-136

1. The lot line adjustment involves three (3) parcels which in their modified configurations comply with the minimum parcel size standards of the Residential land use classification and the Mountain Home zoning district of the General Plan and Title 17 (this finding is made in accordance with the provisions of Section 17.108.040 of the Mariposa County Zoning Ordinance and Section 5.3.02.D of the Mariposa County General Plan).

2. The lot line adjustment involves three existing adjacent parcels. The adjustment results in land being taken from one parcel and added to an adjacent parcel, and a greater number of parcels than originally existed is not being created (this finding is made in accordance with the provisions of Section 66412(d) of the State Subdivision Map Act. The subdivision, upon compliance with the required conditions, complies with all standards of the Subdivision Map Act and Title 16 of the County Subdivision Ordinance).

3. The project is a minor lot line adjustment in an area with an average slope of less than 20%. The project will not result in any changes in land use or density, or the creation of a new parcel. Accordingly, the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA). This finding is made in accordance with the provisions of Section 15305(a) of the CEQA Guidelines.

4. The conditions applied to this project are necessary to ensure compliance with Mariposa County Codes and State Laws.

Project Findings for Major Sub No. 2007-137

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 10 lots that are all between five and thirteen 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. The subdivision density is designed in accordance with the Mountain Home zone.

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 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 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.
Project Conditions for Lot Line Adjustment 2007-136
and Major Sub No. 2007-137

Project Name: Oak Ridge Estates

File Number: Lot Line Adjustment 2007-136
and Major Sub No. 2007-137

Project Approval Date: February 6, 2009

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)

Sign-Off Checklist for List of Conditions of
Approval and Mitigation Measures for Major
Subdivision 2007-137

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<th>CONDITIONS OF APPROVAL / PUBLIC WORKS DEPARTMENT</th>
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<td>1. The easement shown on the Tentative Map as Oak Ridge Drive 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 “public road and utility purposes.”</td>
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<tr>
<td>Monitoring Dept.</td>
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<td>Public Works</td>
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(Section 16.12.160.B, County Subdivision Ordinance; Road Standard Cross-sections, Road Improvement and Circulation Policy)

2. The easement shown on the Tentative Map as White Oak Court 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 “public road and utility purposes.”

| Monitoring Dept. | Verified Implemented |
| Public Works | |

(Section 16.12.160.B, County Subdivision Ordinance; Road Standard Cross-sections, Road Improvement and Circulation Policy)
purposes."

(Section 16.12.160.B, County Subdivision Ordinance; Road Standard Cross-sections, Road Improvement and Circulation Policy)

3. If determined necessary at the time of the filing of the final map, a variable width dedication from the centerline of Hirsch 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 "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 Works Department.

(Section 16.12.150, County Subdivision Ordinance; Section II.A.3, Road Improvement and Circulation Policy)

4. Oak Ridge Drive, as shown on the Tentative Map, from Hirsch Road to the cul-de-sac at Lot 8 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.

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

5. White Oak Court, as shown on the Tentative Map, from Oak Ridge Drive to the cul-de-sac at Lot 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 White Oak Court and Oak Ridge Drive 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.

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

6. A cul-de-sac shall be constructed at the terminus of the required road improvements at the intersection of Lots 5, 7 and 8; and at the intersection of Lots 6, 9 and 10 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 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 at the time of recordation of the final map. If construction of a cul-de-sac is impractical due to the on-site terrain as determined by the County Engineer with the concurrence of 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)

7. An encroachment permit shall be obtained from the Mariposa County Public Works Department prior to any work being done on or adjacent to Hirsch 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)

8. Access to Lot 1 shall be limited to Oak Ridge Drive. No further encroachment permits to Hirsch 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 Charles and Tina Worley, filed in Book of Maps, Page _____, Mariposa County records, is from Oak Ridge Drive, and no additional encroachments shall be granted to this lot from Hirsch Road.”

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

Public Works Department Recommendation.

9. Prior to the commencement of any road improvements, road construction or other road building or maintenance activities required as a condition of approval for this project and prior to issuance of any encroachment permit for the required improvements, a consultation meeting with 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. 27 regarding the General Permit for Discharges of Storm Water Associated with Construction Activity, Condition No. 38 regarding the Stream Alteration Notification requirements, Condition No. 41 for the Oak Tree Preservation Plan, and Condition No. 44 regarding the temporary fencing of the cultural resource area, shall be met prior to the scheduling of this meeting.

(Public Works and Mariposa Planning Recommendation)

10. 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

11. 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

12. 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)

13. A stop sign shall be placed at the intersection of Oak Ridge Drive and Hirsch Road. The stop sign shall be installed on metal breakaway type posts prior to map recordation. The design and placement of signs shall be approved by the County engineer prior to installation.

(Public Works Recommendation)

14. If the easement road is accepted by the County for public access but not for maintenance, a sign stating "THIS ROAD IS NOT COUNTY MAINTAINED" shall be installed at the intersection of Hirsch Road and the easement road. 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

15. A road name sign for the on-site easement road shall be placed at the intersection of the easement road and . The design and specifications of the sign shall be in accordance with the Mariposa County Improvement Standards.
16. 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 Hirsch Road to the cul-de-sacs. Should the 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 16.12.175, County Subdivision Ordinance)

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)

17. 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 Recommendation

18. A Verification of Taxes Paid Form shall be submitted to the County Surveyor prior to final map filing.

Mariposa Planning Recommendation

19. The telephone company shall be contacted prior to construction in order to coordinate the location of telephone facilities, including conduit. The applicant shall submit a letter from the telephone company to the County Surveyor stating that the requirement has been met.

(Sierra Telephone Recommendation)

20. A final 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 recordation. The Soils Report provided shall be followed unless more stringent guidelines from the Mariposa County Improvement Standards are applicable, then they shall apply.

(Section 16.20.220, Mariposa County Code)

### CONDITIONS OF APPROVAL/CALIFORNIA DEPARTMENT OF FORESTRY & FIRE PROTECTION

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<th>Condition</th>
<th>Authority</th>
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<td>21. 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 CDF stating this condition has been met.</td>
<td>CDF/County Surveyor</td>
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<td>22. 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 proportionately.</td>
<td>CDF/Public Works</td>
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Public Resources Code §1273.05.

23. Prior to filing of the final map, the applicant shall have complied with Cal Fire
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 10, as shown
on the Oak Ridge Estates Subdivision, 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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<th>CONDITIONS OF APPROVAL / MARIPOSA PLANNING</th>
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<td>24. Project approval is valid for a period of three years from February 6, 2009. This approval shall expire on February 6, 2012.</td>
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<td>Mariposa Planning</td>
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<th>§16.16.090, Mariposa County Subdivision Code</th>
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<td>25. 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.</td>
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<td>Public Works/ Mariposa Planning</td>
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Mariposa Planning Recommendation

| 26. 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, February 13, 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, February 13, 2009 the environmental determination is not operative, vested, or final (Section 21069(b) Public Resources Code). |
| Mariposa Planning |

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.

Note, the filing fees are adjusted annually, effective January 1st of each year, pursuant to Fish and Game Code.
27. Prior to the commencement of any road improvements, road construction or other road building or maintenance activities required as a condition of approval for this project, the applicant shall contact the Regional Water Quality Control Board to determine if a General Permit for Discharges of Storm Water Associated with Construction Activity is required. If required, the applicant shall obtain the permit prior to commencement of construction activities. A copy of the approved permit or evidence that a permit is not required shall be submitted to the Public Works Department by the applicant prior to the onsite consultation meeting required by Condition of Approval No. 10. 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.

28. 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 been met.

29. 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, including mobile homes placed on foundations, shall be constructed in compliance with the special foundation requirement stated in the Soil 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 Soil Investigation prepared for the subdivision. The foundation requirements must be incorporated into the building plan and permit."

(Planning Department Recommendation)

30. The easement from Hirsch Road to where it exits the project site 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. The name of the road within the project site shall be shown on the final map.

(County Resolution No. 92-541)

31. The easement from Oak Ridge Drive (as shown on the Tentative Map) to the cul-de-sac at Lot 10, 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 Planning Director. The name of the road within the project site shall be shown on the final map.

(County Resolution No. 92-541)

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

Mariposa Planning Recommendation

33. Lot Line Adjustment 2007-136 shall be completed simultaneously with the filing of the Final Map, or prior to the filing of the Final Map

Mariposa Planning

**CONDITIONS OF APPROVAL/ MARIPOSA COUNTY HEALTH DEPARTMENT**

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

"Water supplies for residential lands are derived from private wells on these parcels. 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).

35. Perculation tests and soil analysis tests shall be performed on Lots 1 through 10 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

Environmental Health
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)

36. Proof of water shall be provided on Lots 1 through 10 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.

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

Additionally, if the property is to be served in the future by a well, there will be a requirement to record a disclosure statement concurrently with and referenced on the final map stating the following:

"Water supplies for residential lands are derived from private wells on these Lots. 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."

(Section 16.20.230, Mariposa County Code)

37. 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.

Mariposa County Air Pollution Control District

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<th>CEQA MITIGATION MEASURES</th>
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<tr>
<td>38. 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</td>
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</table>
California Department of Fish and Game (CDFG) and file a Stream Alteration Notification to determine if a Section 1603 Streambed Alteration Agreement is required. If required, the applicant shall obtain the notification or permit prior to the 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 prior to the onsite consultation meeting required by Condition of Approval No. 10. 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 all permit requirements have been met to the satisfaction of the Department of Fish and Game.

(CDFG recommendation; Fish and Game Code Section 1603; Mitigation Measure)

39. An open space setback of 50 feet from the apparent center line shall be established for Streams “A” “AB” “AA”, and an open space setback of 25 feet from the apparent center line of Streams “AAA” and “B”, as identified and shown in the Biological Report Map prepared for the project, dated September 2008, shall be established and shown on the final map. The width of the setback area shall be in conformance with the Biological Report, to protect the riparian corridor, native plants, species habitat, oak woodlands, and to prevent soil erosion. The open space setback for the wetlands on Lot 1 shall comply with the area identified in the Biological Resources Report prepared for the project and dated September 2008. The setback shall exclude the existing and proposed road crossings for Stream “A”, “AB” and “AA”. 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 as shown on the final map for Oak Ridge Estate. 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 the proposed easement road (Oak Ridge Drive) and the uses described in the following paragraph.

Residential driveway construction encroaching into the setback area of or crossing Streams “A”, “AB” “AA”, or “AAA”, 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.b.1

40. 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)

41. The applicant has the option to:

a. 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

b. Prior to the filing of the final map and prior to the scheduling of the on-site pre-construction conference required by Condition No. ___, 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

Public Works

Mariposa Planning

Public Works
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.

(Mitigation Measure; Planning Department Recommendation)

42. Open space setbacks of 20 feet shall be established from the drip line of the elderberry shrubs identified in the Biological Report conducted for this project on Lots 1 through 10. No buildings, septic systems or grading shall be permitted in this setback. During any construction or grading within 100 feet of the elderberry plants, temporary fences and/or protective barriers shall be placed around the elderberry plants. The project biologist shall approve the location of the setbacks prior to the filing of the final map. A statement shall be recorded in Official Records concurrently with the final map and shall be referenced on the final map. The statement shall read as follows:

“This area is habitat of the Valley Elderberry Longhorn Beetle, a threatened species, and must not be disturbed. This species is protected by the Endangered Species Act of 1973. No new structures, roads or driveways shall be constructed within the open space setback. No grading shall be allowed within the setback on Lot 1, 2, 6 and 7 as shown on the Final Map for Oak Ridge Estates. The Elderberry plants shall not be removed from the setback. This open space setback shall restrict the use of the land within the setback. The restrictions established for this setback shall be in place and effective until such a time as the elderberry shrub or shrubs die of natural causes, (which may include a wildland fire) or are de-listed and shall restrict the use of the land within the setback. Violators are subject to prosecution.”

Mitigation Measure

43. Open space setbacks surrounding all significant prehistoric Native American sites as identified in the Cultural Resource Survey prepared for the project site dated March 2008 shall be established and shown on the final map for the property. A document shall be recorded and
referenced on the final map stating the following:

“No structure shall be constructed within the open space setbacks as shown on the final map for Oak Ridge Estates. No portions of a sewage disposal system shall be constructed within the open space setback. No grading shall be allowed within the setback except for the construction and maintenance of Oak Ridge Road and the construction and maintenance of a driveway for Lot 3. This setback shall be in perpetuity and shall restrict the use of the land within the setback.”

Mitigation Measure

44. Temporary fencing shall be installed to physically protect the cultural resource area or individual resources from ground disturbance. This fencing shall be installed prior to any soils tests (percolation and profile holes), well drilling, road work, brushing, or any construction work that involves the disturbance of the soil.

45. The easement road and a driveway for Lot 3 to be constructed in the identified resource area shall be built in accordance with the recommendations of the Cultural Resources Survey for the project dated March 27, 2008. This would include the capping of the resource area with porous landscape membrane covered with clean fill of sufficient depth to protect the site from any disturbance or excavation. The roadbed is to be undisturbed from subsurface impacts in the resource area.

Mitigation Measure

46. 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

RECOMMENDATION ON OFFERS OF DEDICATION

Staff recommends that the Planning Commission recommend that the Public Works Director accept the offer of dedication for public access and utilities, but not for maintenance, for the on-site easement road.
Mariposa Planning Recommendation

Staff recommends that the Planning Commission recommend that the Public Works Director accept the offer of dedication for public access, utilities, and maintenance for Hirsch Road.

Mariposa Planning Recommendation

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Conditions of Approval for Lot Line Adjustment 2007-136

1. A land surveyor or other qualified individual shall provide the County Surveyor (Jerry Freeman, Department of Public Works, 4639 Ben Hur Road, Mariposa 95338) with typed, stamped and signed legal descriptions describing the amended parcels (descriptions that include and exclude the transfer pieces). The County Surveyor requests that copies of all documents referred to in the legal descriptions and copies of the lot closure computations (including error or closure, ratio of precision and acreage) be supplied with copies of the descriptions to validate the content of the descriptions. The County Surveyor will not accept area summary calculations.

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<thead>
<tr>
<th>Monitoring Dept.</th>
<th>Verified Implemented</th>
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<td>County Surveyor</td>
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2. Verification of taxes paid shall be submitted to the Mariposa County Planning Department.

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3. The transfer grant deeds with the legal descriptions that have been reviewed and approved by the County Surveyor in Condition No. 1, shall be recorded by the project applicant. Copies of the recorded grant deeds shall be provided to the Mariposa County Planning Department.

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4. All Trust Deeds on any parcel must be modified to reflect the new parcel configurations. Amended trust deeds shall be recorded with legal description(s) that have been reviewed and approved by the County Surveyor. Mariposa Planning shall be provided copies of the recorded amended trust deeds. As an alternative, the applicant may provide reconveyance documents to Mariposa Planning (showing the trust deeds have been paid off).

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5. Mariposa Planning will prepare a Certificate of Compliance for each parcel involved in the lot line adjustment, when Condition Numbers 1 through 4 has been complied with. Following preparation of the Certificates, Mariposa Planning will determine the required recording fees for the documents and notify the applicant of the required fees. The Recorders fee charge is $8.00 for the first page and $3.00 for each additional page for each Certificate of Compliance. The number of pages varies with Certificates of Compliance.

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6. Upon the payment of fees required by Condition No. 5, Mariposa Planning

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</table>
Planning will record the Certificates of Compliance for each parcel involved in the lot line adjustment.
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>
</tr>
</thead>
<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>
<tr>
<td>Public Works</td>
<td>Cheryl Jay</td>
<td>209-966-5356</td>
<td></td>
<td>4639 Ben Hur Road</td>
<td>Mariposa CA 95338</td>
</tr>
<tr>
<td>Health Department</td>
<td>Dave Conway</td>
<td>209-966-2220</td>
<td></td>
<td>5100 Bullion Street</td>
<td>P.O. Box 5</td>
</tr>
<tr>
<td>Regional Water Quality Control</td>
<td>JoAnne Kipps</td>
<td>559-445-5035</td>
<td></td>
<td>1685 E Street</td>
<td>Same as site</td>
</tr>
<tr>
<td>Board</td>
<td></td>
<td></td>
<td></td>
<td>Fresno CA 93706</td>
<td></td>
</tr>
<tr>
<td>Mariposa County Resource</td>
<td>Dawn Afman</td>
<td>209-966-3431</td>
<td></td>
<td>5009 Fairgrounds Rd</td>
<td>P.O. Box 746</td>
</tr>
<tr>
<td>Conservation District</td>
<td></td>
<td></td>
<td></td>
<td>Mariposa CA 95338</td>
<td>Mariposa CA 95338</td>
</tr>
<tr>
<td>County Assessor</td>
<td>Sarah Wesc</td>
<td>966-2332</td>
<td></td>
<td>4982 10th Street</td>
<td>P.O. Box 35</td>
</tr>
<tr>
<td>County Fire</td>
<td>Jim Wilson</td>
<td>209-966-4330</td>
<td></td>
<td>5082 Bullion Street</td>
<td>Mariposa CA 95338</td>
</tr>
<tr>
<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>
<td></td>
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<td>Mariposa CA 95338</td>
<td>Mariposa, CA 95338</td>
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Certificate of Completion:
By signing below, the environmental coordinator confirms that the required conditions of approval and mitigation measures have been implemented as evidenced by the "Schedule of Tasks and Sign-Off Checklist", and that all direct and indirect costs have been paid. This act constitutes the issuance of a Certificate of Completion.

Environmental Coordinator

Date

Explanation of Headings:

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

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

ATTACHMENTS

Attachment 1  Initial Study
Attachment 2  Draft Resolution