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

STATE OF CALIFORNIA  
COUNTY OF MARIPOSA  
PLANNING COMMISSION  

Resolution  
No. 2009-002  

A resolution conditionally approving Major Subdivision  
Application No. 2007-189; Steve Allison et al, applicant.  
Assessors Parcel Number 011-311-004 and Assessors Parcel  
Number 011-311-005  

WHEREAS an application for a major subdivision was received on December 4, 2007 from  
Steve Allison et al for a property located at 5556 Hornitos Road in the Catheys Valley  
area, approximately 2 and ¼ miles from the intersection of Hornitos Road and State  
Highway 140, also known as Assessors Parcel Number 011-311-004 and Assessors  
Parcel Number 011-311-005; and  

WHEREAS the project proposes the division of an 151.03 acre parcel into twenty eight lots  
of between 5.01 and 7.89 acres each; and  

WHEREAS Hornitos Road is a county maintained road; and  

WHEREAS a sewage feasibility report, a rare plant survey, a biological assessment, an  
addendum to the biological assessment, a cultural resource assessment, and draw  
down tests for wells on-site were submitted to assist in the environmental review of  
the project; and  

WHEREAS revised maps were submitted by the applicant to mitigate environmental issues  
which were identified by project consultants; and  

WHEREAS a duly noticed public hearing was scheduled for the 20th day of February 2009;  
and  

WHEREAS a Staff Report and Initial Study were prepared pursuant to the California  
Government Code, the California Environmental Quality Act (CEQA), 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 applicant.  

NOW THEREFORE, BE IT RESOLVED THAT the Planning Commission of the County of  
Mariposa does hereby adopt a Mitigated Negative Declaration.
BE IT FINALLY RESOLVED THAT the project is approved based upon the findings set forth in Exhibit 1, and with the terms, conditions, mitigation measures, and mitigation monitoring program set forth in Exhibit 2.

ON MOTION BY Commissioner Ross seconded by Commissioner Marsden, this resolution is duly passed and adopted this 20th day of February 2009 by the following vote:

AYES: Francisco, Ross, Rudzik, and Marsden

NOES: None

EXCUSED: None

ABSTAIN: None

Bob Rudzik, Chairman
Mariposa County Planning Commission

Attest:

Judy Mueller, Secretary
Mariposa County Planning Commission
EXHIBIT 1

PROJECT FINDINGS FOR

MAJOR SUBDIVISION Application No. 2007-189

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

1. Based on the given size and the number of parcels proposed and site inspections, the site has been found physically suited for the construction of low density home sites and appurtenant improvements such as septic systems, provided that the appropriate requirements are met in compliance with applicable Health Code requirements for residential septic systems and Mariposa County Health Department Recommendations for this land division. The on-site easement roads and Hornitos Road provide adequate access to the project lots.

2. The site is physically suited for the density allowed in this zone. The proposed project is located within the Mountain Home zone (5-acre minimum parcels with individual wells and septic systems). The subdivision density is designed in accordance with the Mountain Home zoning.

3. The Initial Study prepared for the project found that, based on the approved project description, it would have a less than significant effect on the environment with the mitigation measures and conditions of approval imposed. 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 and cultural resources to less than significant levels. This project is subject to the California Department of Fish and Game filing fees for a negative declaration.

4. This land division and its subsequent use for low-density residential purposes will not be 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 septic systems. 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.

5. The proposed map is consistent with the goals, policies and implementation measures of the Land Use element and other applicable provisions of the Mariposa County General Plan and Title 17, Mariposa County Zoning Ordinance. 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.

6. The minimum parcel size proposed by the project is consistent with the Residential land use classification standards contained in the Mariposa County General Plan and the Mountain Home Zone, Title 17 Zoning Ordinance. The subdivision's design is consistent with the General Plan standards that all new subdivision parcels have safe and adequate access. The project complies with the County Subdivision Ordinance's maximum 4:1 length to width ratio for parcel size. The project site is not in an area governed by a specific plan.

7. As conditioned, the project will not conflict with any public easement. Affected utility companies have reviewed the proposed project and have not objected to the proposal.

8. This land division application has been processed and reviewed in accordance with standards set forth in the Subdivision Map Act and Title 16, County Subdivision Ordinance. When the required conditions are met, the project will be in compliance with the Subdivision Map Act and the County Subdivision Ordinance.
EXHIBIT 2

CONDITIONS OF APPROVAL AND MITIGATION MEASURES FOR

MAJOR SUBDIVISION APPLICATION NO. 2007-189

Applicant Name: Steve Allison et. al.
Project Approval Date: February 20, 2009
Project Name: The Dunn Ranch

Project Description

Major Subdivision Application No. 2007-189 divides a 151.03 acre parcel into 28 lots which range in size from 5.01 to 7.89 acres. The project site has frontage on Hornitos Road, a county-maintained road, however all lots will take access from proposed on-site access easements.

The project is submitted and approved as a three phased project.

This project may be completed as Phase I, with Phases II and III to be completed at a later date (either separately or concurrently), or this project may be completed as Phases I and II, with Phase III to be completed at a later date, or all three Phases I, II and III may be completed at one time. Conditions for each Phase are written out separately and to be applied to each phase. If the phases are completed separately, they must be completed in numbered order.

Phase I Conditions

PUBLIC WORKS CONDITIONS

I-1. The easement from Hornitos Road to the cul-de-sac shall be made 50 foot wide and non-exclusive. A cul-de-sac easement with a radius of 60 feet shall be provided to encompass the required cul-de-sac improvements. The easements shall be offered for dedication to the County of Mariposa. The offers of dedication shall be non-revocable and specifically state the dedications are for "public road and utility purposes."

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

I-2. All cut and fill areas required for the construction of the proposed access road shall be included within the access and utility easement pursuant to the County Improvement Standards, which may necessitate a variable width easement greater than 50 feet in width. The location, width, and description of the easements shall be approved by the County Engineer.

(Public Works Department Recommendation)
I-3. The easement from Hornitos Road to the cul-de-sac shall be improved to a minimum Rural Class I SRA "A" 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 parcel map. The County Engineer may require engineered improvement plans prepared by a Registered Civil Engineer for any improvements required as a condition of approval for this project. If engineered improvement plans are required, the plans shall be approved by the County Engineer prior to commencement of construction work on the required road improvements.

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

I-4. A cul-de-sac shall be constructed at the terminus of the on-site easement road. The cul-de-sac shall be improved to meet county standards and Cal Fire 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, the County Improvement Standards, and the State Fire Safe Regulations, 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 Cal Fire, the applicant may request permission to construct a hammerhead T turnaround. At the time of recordation of the final map, the County Engineer shall confirm that this condition has been met.

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

I-5. An encroachment permit shall be obtained from the Mariposa County Public Works Department prior to any work being done on or adjacent to Hornitos 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)

I-6. Access to Lots 1 and 3 shall be limited to the on-site easement. No further encroachment permits to Hornitos Road for these lots will be granted. A declaration shall be recorded with the final map, referenced on the final map and made appurtenant to Lots 1 and 3. The declaration shall state the following:

"Approved access for residential development of Lots 1 and 3, as shown on the Final Map for the Dunn Ranch, is from (insert approved road name) and no additional encroachments shall be granted to these lots from Hornitos Road."
The County Engineer will confirm that this condition has been met prior to map recodation.

(Public Works Recommendation)

I-7. 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.

(Public Works and Mariposa Planning Recommendation)

I-8. 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). Due to increased concern from the Ag Commissioner for noxious weeds (star thistle), RCD is asking developers to use weed free straw or rice for their mulch cover after the seed has been spread. 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 recodation of the final map.

(Road Improvement and Circulation Policy)

I-9. 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)

I-10. A stop sign shall be placed at the intersection of the on-site easement and Hornitos Road. The stop sign shall be installed on metal breakaway type posts prior to map recodation. The design and placement of signs shall be approved by the County engineer prior to installation.

(Public Works Recommendation)

I-11. If the on-site easement is accepted by the County for public access but not for maintenance, a sign stating "THIS ROAD IS NOT COUNTY MAINTAINED" shall be installed at the intersection of the on-site easement and Hornitos 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)
I-12. A road name sign for the on-site easement road shall be placed at the intersection of the easement road and Hornitos Road. The design and specifications of the sign shall be in accordance with the Mariposa County Improvement Standards.

(Section 16.12.175, County Subdivision Ordinance)

I-13. A road maintenance association shall be formed to provide for the maintenance of the on-site easement road. 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 recordation 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.

OR

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.

/Public Works Department Recommendation: Section II.1, Road Improvement and Circulation Policy/)
I-14. Verification of taxes paid shall be submitted to the County Surveyor prior to the Parcel Map Recordation.

(Mariposa Planning Recommendation)

I-15. A declaration shall be recorded concurrently with the final map and shall be referenced on the final map. The declaration shall state the following:

"All residential buildings on Lots 1 through 3 as shown on the Final Map for the Dunn Ranch, 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 Whispering Oaks Major Subdivision and on file in the Mariposa County Planning Department. A building permit shall not be issued for residences placed on foundations unless the foundations meet the foundation requirements contained in the Soils Investigation prepared for the subdivision. The foundation requirements must be incorporated into the building plan and permit. This requirement does not supersede or replace additional soils requirements which the Mariposa County Building Department may enforce."

(Planning Department Recommendation)

I-16. The on-site easement road shall be named in accordance with the criteria of County Resolution No. 92-541. A Road Name Request application shall be submitted to the Planning Department and be approved by the Planning Director. The name of the road shall be shown on the final map.

(County Resolution No. 92-541)

HEALTH DEPARTMENT CONDITIONS

I-17. Percolation tests and soils analysis tests shall be performed on Lot 3 in accordance with Health Department rules and regulations and Health Department Policy 03-01. A report meeting the requirements of Health Department Rules and Regulations shall be submitted to the Mariposa County Health Department and be approved by the County Environmental Health Specialist prior to recordation of the final map. A letter from the County Environmental Health Specialist shall be submitted to the County Surveyor stating that approved percolation tests and soils analysis tests have been performed on the lot. If the Health Department approves the use of Standard Septic Systems then a statement shall be recorded in Official Records concurrently with the final map and referenced on the final map as follows:

"Approved percolation tests and soils analysis tests have been performed on Lot 3 as shown on the Final Map for the Dunn Ranch, 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 the lot that has not had 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 3 as shown on the Final Map for the Dunn Ranch, 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 3 as shown on the Final Map for the Dunn Ranch, 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 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 lots.

(Section 16.12.330, County Subdivision Ordinance: Health Department Recommendation)
I-18. Soil profile holes shall be excavated on Lots 1 and 2 to the standards of the County Health Department and in the presence of the County Environmental Health Specialist, his authorized representative, or an authorized consultant to verify the feasibility of installing an on-site septic system on the lots. If the County Environmental Health Specialist approves the lots for septic disposal based on the soil profile holes, a letter from the County Environmental Health Specialist stating no additional tests are required and this condition has been fulfilled for that lot shall be submitted to the County Surveyor.

If the results of the soil profile holes do not demonstrate to the approval of the County Environmental Health Specialist that a conventional septic system can be installed on the lot(s), percolation tests and additional soils analysis tests shall be performed on the lot(s) in accordance with Health Department rules and regulations. The results of these tests shall be submitted to the Mariposa County Health Department and be approved by the County Environmental Health Specialist prior to recordation of the 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(s).

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 Lot(s) __ as shown on the Final Map for the Dunn Ranch, 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 lot that has not had an approved percolation tests, additional percolation tests and design recommendations may be required.”

If the Health Department approves the report based on the use of special design or engineered septic system then a statement shall be recorded in Official Records concurrently with the 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 the Dunn Ranch, 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, if the Health Department approves the report based on the use of a special design or engineered septic system a notice shall be filed concurrently with the final map and referenced on the final map which states:

“The property described as Lot(s) __ as shown on the Final Map the Dunn Ranch, 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 parcel."

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

I-19. Proof of water shall be provided on Lots 1 through 3 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 parcel shall have a well that fails to meet proof of production and proof of production cannot be met on that parcel, the parcel is question shall be merged with an adjacent parcel and the merged parcel shall be shown on the final map for this subdivision.

OR

Prior to recordation of the final map the applicant shall prove to the satisfaction of the Health Department that Lots 1, 2, and 3 have a supply of potable water meeting requirements for quantity and quality. Proof is as follows:
a. an approved connection from an approved public water provider; or

b. a proposed connection to a shared well which has been pre-approved by the Health Department; or

c. a well, for which appropriate permits and inspections have been approved by the Health Department, has been drilled on the subject property and developed with appropriate casings, and for which improvements may or may not include permanently installed pump equipment; or

d. a demonstration that there can be a source of water capable of producing a sustained potable water supply with storage of at least 1,000 gallons per twelve (12) hour day per dwelling unit, which will be contained within any combination of (a) a potable water storage tank, (b) a static water supply in the well; or

e. other satisfactory proof and wells drilled and tested prior to sale to demonstrate the quantities described in “Section d.” above.

[(Section 16.20.230, Mariposa County Code; Mariposa County General Plan, Section 5.3.02.E (4)]

I-20. If the lots are to be served in the future by a well, the applicant shall record a disclosure statement concurrently with the map and referenced on the map stating the following:

“Water supplies for residential lands are derived from private wells on Lots 1, 2, and 3 as shown on the Final Map for the Dunn Ranch. 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 lot. 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)]

FIRE SAFE REGULATIONS

I-21. Prior to recordation of the final map, the applicant shall have complied with all applicable SRA Fire Safe Regulations. A letter shall be submitted to the County Surveyor from Cal Fire to confirm this requirement.

Additionally, a document shall be recorded and referenced on the Final Map that states:
“Future residential development on Lots 1, 2, and 3 as shown on the Final Map for the Dunn Ranch, shall be required to conform to all applicable SRA Fire Safe Regulations (Public Resource Code 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 or firebreaks within 100 feet from buildings or structures or to the property line unless an alternative mitigation measure is approved by Cal Fire at the time of issuance of a residential building permit.”
(State Fire Safe Regulations: Cal Fire Recommendation)

PLANNING DEPARTMENT AND GENERAL CONDITIONS

I-22. Project approval is valid for a period of three years from February 20, 2009. This approval shall expire on February 20, 2012.

(Section 16.16.090, Mariposa County Code)

I-23. Subdivision Map Act Section 66434.2 applies to the filing of the final map for this project.

(Planning Department Recommendation)

I-24. If Phase I is completed as a separate and independent phase, Phases II and III shall be the Remainder of the Final Map recorded for Phase I. A declaration shall be recorded with the final map and shall be referenced on the final map:

"A Certificate of Compliance must be obtained prior to issuance of a development permit on the Remainder (Phases II and III) of the Final Map for the Dunn Ranch, in accordance with Section 16.04.030 of Mariposa County Code. As an alternative to a Certificate of Compliance, a Final Map for a subsequent phase may be recorded."

(Section 16.04.030, County Subdivision Ordinance: Planning Department Recommendation)

I-25. If Phase I is completed as a separate and independent phase, a declaration shall be recorded concurrently with and referenced on the final map stating:

"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 the Dunn Ranch, until all of the subdivision conditions for the Remainder as established by the Planning Commission have been met. The Remainder is not a lot 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."

(Planning Department Recommendation)

I-26. Upon completion of all conditions applied to the Remainder, a Certificate of Compliance shall be recorded on the Remainder, in accordance with Section 16.04.030, County Subdivision Ordinance. Fees associated with the recordation of the certificate of compliance shall be paid by the applicant.

(Planning Department Recommendation)

I-27. 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 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 27, 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 27 2009 the environmental determination is not operative, vested, or final (Section 21089(b) Public Resources Code).

The County Clerk requires that one check be submitted to cover both of these fees, for a total of $2,043.00 (effective 1/1/09), and that it be in the form of a cashier’s check or money order payable to “Mariposa County.” The County Clerk will not accept a personal check for these fees. Submit the check to Mariposa Planning to file this fee and other required documents with the County Clerk.

Note, the filing fees are adjusted annually, effective January 1st of each year, pursuant to Fish and Game Code.

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

I-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.

($16.36.030, Mariposa County Subdivision Ordinance)

MITIGATION MEASURES

I-29. 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)

I-30. For the preservation and protection of oak woodlands, 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 recordation of the final map and prior to the scheduling of the on-site pre-construction conference required by Condition No. I-8, 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'/3" above natural grade. All trees identified as Quercus that may be removed for construction shall be identified on this Oak Tree Site Plan. All oak trees identified for removal on the project site shall be replaced at a ratio of three to one of a like species of oak, minimum of 10-gallon size, purchased from a nursery that has stock compatible for project site conditions, except as described below. This Plan shall be prepared by a certified professional arborist, licensed landscape architect, registered professional forester, qualified botanist, or other qualified professional as approved by the Mariposa County Planning Department. This Plan shall specify maintenance requirements, costs, and procedures to ensure the viability of the replacement trees. If the qualified professional preparing this survey suggests an alternative to replacing the trees to be removed, that alternative suggestion shall be evaluated by the Mariposa County Planning Department and if determined to be acceptable by the Planning Director, shall be implemented. If the qualified professional determines that the number of trees removed will not create a significant impact, then that determination together with supporting documentation for this determination shall be presented for the Director’s consideration. This may be presented in lieu of an Oak Tree Identification and Preservation Plan. The Plan shall be completed and approved by the Planning Department prior to scheduling the onsite 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.

(Mitigation Measure)
I-31. 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.

CONDITIONS OF APPROVAL
FOR REMAINDER OF PHASE I

RI-1. If the Remainder is not shown on the recorded final map, and if the applicant requires a Certificate of Compliance for the purpose of a development permit (prior to filing the final map for Phase II or III), 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.

(Planning Department Recommendation)

RI-2. Upon completion of all conditions applied to the Remainder, a Certificate of Compliance shall be recorded on the Remainder, in accordance with Section 16.04.030, County Subdivision Ordinance. Fees associated with the recordation of the certificate of compliance shall be paid by the applicant.

(Planning Department Recommendation)

Phase II Conditions

PUBLIC WORKS AND ROAD CONDITIONS

II-1. The easement from Hornitos Road to the cul-de-sac at Lot 8 shall be made 60 foot wide and non-exclusive. A cul-de-sac easement with a radius of 60 feet shall be provided to encompass the required cul-de-sac improvements. The easements shall be offered for dedication to the County of Mariposa. The offers of dedication shall be non-revocable and specifically state the dedications are for "public road and utility purposes."
The easement from Hornitos Road to the cul-de-sac at Lot 15 shall be made 60 foot wide and non-exclusive. A turnaround easement with a radius of 60 feet shall be provided to encompass the required turnaround improvements. The easements shall be offered for dedication to the County of Mariposa. The offers of dedication shall be non-revocable and specifically state the dedications are for "public road and utility purposes."

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

II-2. All cut and fill areas required for the construction of the proposed access roads 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 Department Recommendation)

II-3. The easement from Hornitos Road to the southwestern boundary of Lot 7 shall be improved to a Rural Class II SRA "B" standard OR a Rural Class I SRA paved standard and shall meet this standard at the time of final map recordation. The easement from the southwestern boundary of Lot 7 to the cul-de-sac at Lot 8 shall be improved to a minimum Rural Class I SRA "A" standard and shall meet this standard at the time of final map recordation.

The easement from Hornitos Road to the southwestern boundary of Lot 11 shall be improved to a Rural Class II SRA "B" standard and shall meet this standard at the time of final map recordation. The easement from the southwestern boundary of Lot 11 to the cul-de-sac at Lot 15 shall be improved to a Rural Class I SRA "A" 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)

II-4. A cul-de-sac shall be constructed as shown on tentative subdivision map on the on-site easement road at Lot 8. A cul-de-sac shall be constructed at the terminus of the on-site easement road at Lot 15. The cul-de-sacs shall be improved to meet county standards and Cal Fire 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, the County Improvement Standards, and the State Fire Safe Regulations, 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 Cal Fire, the applicant may request permission to construct a hammerhead T turnaround. At the time of recordation of the final map, the County Engineer shall confirm that this condition has been met.

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

II-5. Prior to recordation of the final map, the payment of a road frontage improvement fee, as determined by the Public Works Director up to but not to exceed $10,000 shall be paid as a fair share contribution for frontage improvements. If the County completes the road frontage improvements for this project prior to map recordation, the fee shall be waived.

(Public Works Director Recommendation: Section D, Road Improvement and Circulation Policy)

II-6. An encroachment permit shall be obtained from the Mariposa County Public Works Department prior to any work being done on or adjacent to Hornitos 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)

II-7. Access to Lots 4, 5, 6, 9 and 16 shall be limited to the on-site easements. No further encroachment permits to Hornitos Road for these lots will be granted. A declaration shall be recorded with the final map, referenced on the final map and made appurtenant to Lots 4, 5, 6, 9 and 16. The declaration shall state the following:

"Approved access for residential development of Lots 4, 5, 6, 9 and 16 as shown on the Final Map for the Dunn Ranch, is from (insert approved road name) or (insert other approved road name), and no additional encroachments shall be granted to these lots from Hornitos Road."

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

(Public Works Recommendation)

II-8. Prior to the commencement of any road improvements, road construction or other road building or maintenance activities required as a condition of approval for this project and prior to issuance of any encroachment permit for the required improvements, a consultation meeting with the Public Works Department, 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.

To ensure that no disturbance occurs to the cultural resources, temporary fencing shall be in place surrounding those areas which are outside of the road construction area. This temporary fencing shall be in place prior to the conduct of the consultation meeting.

(Public Works and Mariposa Planning Recommendation)

II-9. Immediately upon completion of the required road and encroachment improvements, the applicant shall re-vegetate all exposed soils and install other erosion control as recommended by the Resource Conservation District (RCD). Due to increased concern from the Ag Commissioner for noxious weeds (star thistle), RCD is asking developers to use weed free straw or rice for their mulch cover after the seed has been spread. 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)

II-10. 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)

II-11. A stop sign shall be placed at the intersection of both on-site easements and Hornitos Road. The stop signs shall be installed on metal breakaway type posts prior to map recordation. The design and placement of signs shall be approved by the County engineer prior to installation.

(Public Works Recommendation)

II-12. If the on-site easements are accepted by the County for public access but not for maintenance, a sign stating "THIS ROAD IS NOT COUNTY MAINTAINED" shall be installed at the intersections of the on-site easements and Hornitos Road. The design and specifications of the signs shall be in accordance with the County Improvement Standards.

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

II-13. A road name sign for the on-site easement roads shall be placed at the intersections of the easement roads and Hornitos Road. The design and specifications of the signs shall be in accordance with the Mariposa County Improvement Standards.

(Section 16.12.175, County Subdivision Ordinance)
II-14. 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 recordation 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.

OR

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.

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

II-15. Verification of taxes paid shall be submitted to the County Surveyor prior to the Final Map Recordation.

(Mariposa Planning Recommendation)

II-16. A declaration shall be recorded concurrently with the final map and shall be referenced on the final map. The declaration shall state the following:
"All residential buildings on Lots 4 through 18 as shown on the Final Map for the Dunn Ranch, 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 Whispering Oaks Major Subdivision and on file in the Mariposa County Planning Department. A building permit shall not be issued for residences placed on foundations unless the foundations meet the foundation requirements contained in the Soils Investigation prepared for the subdivision. The foundation requirements must be incorporated into the building plan and permit. This requirement does not supersede or replace additional soils requirements which the Mariposa County Building Department may enforce."

(Planning Department Recommendation)

II-17. The two on-site easement roads shall be named in accordance with the criteria of County Resolution No. 92-541. A Road Name Request application shall be submitted to the Planning Department and be approved by the Planning Director. The names of the roads shall be shown on the final map.

(County Resolution No. 92-541)

II-18. The existing driveway encroachment to the residence on Lot 10 shall be abandoned and removed, as required by the Public Works Department through the encroachment permit process. All required work shall be conducted in accordance with County standards, and completed prior to final map recordation as approved and inspected by the County Engineer.

(Public Works Recommendation)

HEALTH DEPARTMENT CONDITIONS

II-19. Percolation tests and soils analysis tests shall be performed on Lot 4 through Lot 18 in accordance with Health Department rules and regulations and Health Department Policy 03-01. A report meeting the requirements of Health Department Rules and Regulations shall be submitted to the Mariposa County Health Department and be approved by the County Environmental Health Specialist prior to recordation of the final map. A letter from the County Environmental Health Specialist shall be submitted to the County Surveyor stating that approved percolation tests and soils analysis tests have been performed on the lots. 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 Lot ___ through Lot ___ shown on the Final Map for the Dunn Ranch, 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 the lot(s) that has not had 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 the Dunn Ranch, 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/these lot(s)."

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

"The property described as Lot(s) ___ as shown on the Final Map for the Dunn Ranch 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 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 lots.

(Section 16.12.330, County Subdivision Ordinance: Health Department Recommendation)
II-20. Proof of water shall be provided on Lots 4 through 18 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 parcel shall have a well that fails to meet proof of production and proof of production cannot be met on that parcel, the parcel in question shall be merged with an adjacent parcel and the merged parcel shall be shown on the final map for this subdivision.

OR

Prior to recordation of the final map, the applicant shall prove to the satisfaction of the Health Department that Lot 4 through Lot 18 have a supply of potable water meeting requirements for quantity and quality. Proof is as follows:

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

b. a proposed connection to a shared well which has been pre-approved by the Health Department; or

c. a well, for which appropriate permits and inspections have been approved by the Health Department, has been drilled on the subject property and developed with appropriate casings, and for which improvements may or may not include permanently installed pump equipment; or

d. a demonstration that there can be a source of water capable of producing a sustained potable water supply with storage of at least 1,000 gallons per twelve (12) hour day per dwelling unit, which will be contained within any combination of (a) a potable water storage tank, (b) a static water supply in the well; or

e. other satisfactory proof and wells drilled and tested prior to sale to demonstrate the quantities described in “Section d.” above.

[(Section 16.20.230, Mariposa County Code; Mariposa County General Plan, Section 5.3.02.E (4)]

II-21. If the lots are to be served in the future by a well, the applicant shall record a disclosure statement concurrently with the map and referenced on the map stating the following:

"Water supplies for residential lands are derived from private wells on Lot 4 through Lot 18 as shown on the Final Map for the Dunn Ranch. 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 lots. 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)]

FIRE SAFE REGULATIONS

II-22. Prior to recordation of the final map, the applicant shall have complied with all applicable SRA Fire Safe Regulations. A letter shall be submitted to the County Surveyor from Cal Fire to confirm this requirement.

Additionally, a document shall be recorded and referenced on the Final Map that states:

"Future residential development on Lot 4 through Lot 18 as shown on the Final Map for the Dunn Ranch, shall be required to conform with all applicable SRA Fire Safe Regulations (Public Resource Code 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 or firebreaks within 100 feet from buildings or structures or to the property line unless an alternative mitigation measure is approved by Cal Fire at the time of issuance of a residential building permit."

(State Fire Safe Regulations: Cal Fire Recommendation)

PLANNING DEPARTMENT AND GENERAL CONDITIONS

II-23. Project approval is valid for a period of three years from February 20, 2009. This approval shall expire on February 20, 2012.

(Section 16.16.090, Mariposa County Code)

II-24. Subdivision Map Act Section 66434.2 applies to the filing of the final map for this project.

(Planning Department Recommendation)

II-25. If Phase II is completed as a separate and independent phase, Phase III shall be the Remainder of the Final Map recorded for Phase II. A declaration shall be recorded with the final map and shall be referenced on the final map:

"A Certificate of Compliance must be obtained prior to issuance of a development permit on the Remainder (Phases III) for the Dunn Ranch, in accordance with Section 16.04.030 of Mariposa County Code. As an alternative to a Certificate of Compliance, a Final Map for Phase III may be recorded."

(Section 16.04.030, County Subdivision Ordinance: Planning Department Recommendation)
II-26. If Phase II is completed as a separate and independent phase, a declaration shall be recorded concurrently with and referenced on the final map stating:

“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 the Dunn Ranch, until all of the subdivision conditions for the Remainder as established by the Planning Commission have been met. The Remainder is not a lot 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.”

(Planning Department Recommendation)

II-27. Upon completion of all conditions applied to the Remainder, a Certificate of Compliance shall be recorded on the Remainder, in accordance with Section 16.04.030, County Subdivision Ordinance. Fees associated with the recordation of the certificate of compliance shall be paid by the applicant.

(Planning Department Recommendation)

II-28. 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.

(Planning Department Recommendation)

II-29. An address shall be obtained from the Assessors Office for the existing residence on Lot 10 which takes access from the newly named road prior to recordation of the final map.

(Planning Department Recommendation)

MITIGATION MEASURES

II-30. A statement shall be recorded in Official Records concurrently with the final map and referenced on the final map as follows:

“Residential driveway construction encroaching into the setback area of or crossing Raster Gulch and/or its tributaries on these lots, including expansion of any existing crossings, may be subject to a Stream Alteration Agreement (SAA) with the Department of Fish and Game. Owners of affected lots 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.”

(Mitigation Measure)

II-31. An open space setback for Raster Gulch and its tributaries shall be established and shown on the final map. The width of the setback area shall be 60 feet from the apparent
centerline of Raster Gulch, and 25 feet from the centerline of tributaries to Raster Gulch, to protect the riparian corridor, native plants, species habitat, oak woodlands, and to prevent soil erosion. A statement shall be recorded in Official Records concurrently with the final map and referenced on the final map as follows:

"No structure shall be constructed within the open space setbacks as shown on the final map for the Dunn Ranch filed in Book of Maps at Page _____, Mariposa County Records. No portions of a sewage disposal system shall be constructed within the open space setback. A well or wells, water pipes, underground and above ground power lines, fencing, and other similar structures or improvements may be constructed within the open space setback subject to approval by the Planning Director in consultation with a qualified biological consultant, whose services shall be paid for the property owner. No grading shall be allowed within the setback, except as needed to implement the uses described in the following paragraphs.

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

(Mitigation Measure)

II-32. 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)

II-33. For the preservation and protection of oak woodlands, 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 recordation of the final map and prior to the scheduling of the on-site pre-construction conference required by Condition No. II-8 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 roads 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 may be removed for construction shall be identified on this Oak Tree Site Plan. All oak trees identified for removal on the project site shall be replaced at a ratio of three to one of a like species of oak, minimum of 10-gallon size, purchased from a nursery that has stock compatible for project site conditions, except as described below. This Plan shall be prepared by a certified professional arborist, licensed landscape architect, registered professional forester, qualified botanist, or other qualified professional as approved by the Mariposa County Planning Department. This Plan shall specify maintenance requirements, costs, and procedures to ensure the viability of the replacement trees. If the qualified professional preparing this survey suggests an alternative to replacing the trees to be removed, that alternative suggestion shall be evaluated by the Mariposa County Planning Department and if determined to be acceptable by the Planning Director, shall be implemented. If the qualified professional determines that the number of trees removed will not create a significant impact, then that determination together with supporting documentation for this determination shall be presented for the Director’s consideration. This may be presented in lieu of an Oak Tree Identification and Preservation Plan. The Plan shall be completed and approved by the Planning Department prior to scheduling the onsite road construction meeting required as a condition of project approval (No. 8). This mitigation measure is not intended to reduce the ability of the applicant to conduct necessary brushing work for fire safety.

(Mitigation Measure)

II-34. Open space setbacks shall be established surrounding all prehistoric Native American sites as identified in the Cultural Resource Survey prepared for the project site dated November 2007 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 the Dunn Ranch filed in Book of Maps at Page______, Mariposa County Records. No portions of a sewage disposal system shall be constructed within the open space setback. No grading, with the exception of the construction and maintenance of the easement road, shall be allowed within the setback. This setback shall be in perpetuity and shall restrict the use of the land within the setback.”

(Mitigation Measure)

II-35. If approved by the Planning Commission, a condition of approval shall be placed on the project that will require that the easement road to be constructed in the identified resource area shall be built on fill above any site soils. The fill depth shall be sufficient to protect the site from any disturbance such as utility excavation. This fill portion shall commence 20 feet from the established site boundary and shall continue to the property line. An archaeological monitor shall be present during tree removal or any other preparation activities that may impact site soils.

(It is noted that the Cultural Resource area affected by this mitigation measure is outside of the actual area required to be constructed by project conditions pursuant to the Subdivision Ordinance. However, it is also noted that a) the access easement is shown on the tentative
subdivision map; b) the applicant will be constructing the access road beyond that required to be constructed by project conditions pursuant to the Subdivision Ordinance and a grading permit has been obtained for this work; and c) the resource was evaluated by the assessment conducted for this major subdivision project and mitigation was proposed.)

(Mitigation Measure)

II-36. Prior to any road construction, soils testing, well drilling, and any other activity that would disturb the soils in the vicinity of the Cultural Resource area, temporary fencing will be installed around the perimeter of the resource area identified in the Cultural Resources Assessment report prepared on June 27, 2008. This fencing will remain in place until the all road construction is completed, and all soils tests have been approved by the Health Department and the County Engineer.

(Mitigation Measure)

II-37. 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)

**CONDITIONS OF APPROVAL**
**FOR REMAINDER OF PHASE II**

RII-1. If the Remainder is not shown on the recorded final map, and if the applicant requires a Certificate of Compliance for the purpose of a development permit (prior to filing the final map for Phase III), 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.

(Planning Department Recommendation)
RII-2. Upon completion of all conditions applied to the Remainder, a Certificate of Compliance shall be recorded on the Remainder, in accordance with Section 16.04.030, County Subdivision Ordinance. Fees associated with the recordation of the certificate of compliance shall be paid by the applicant.

(Planning Department Recommendation)

Phase III Conditions

PUBLIC WORKS CONDITIONS

III-1. The easements from Hornitos Road to the cul-de-sac at Lot 22, the cul-de-sac at Lot 26, and the cul-de-sac at Lot 28 shall be made 60 foot wide and non-exclusive. Cul-de-sac easements with a radius of 60 feet shall be provided to encompass the required cul-de-sac improvements at each of the three cul-de-sacs. 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."

If the easements and dedications cannot be created on the map because a portion is technically off-site, then a separate document may be used to create the off-site easement and dedication. The format and content of the document shall be as established and approved by the County Surveyor. These documents must be recorded prior to the recording of the Final Map.

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

III-2. All cut and fill areas required for the construction of the proposed access roads shall be included within the access and utility easement 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 Department Recommendation)

III-3. The easement from Hornitos Road to the southwestern corner of Lot 23 shall be improved to a Rural Class II SRA "B" standard OR a Rural Class I SRA paved standard and shall meet this standard at the time of final map recordation.

The easement from the southwestern corner of Lot 23 to the cul-de-sac at Lot 22 shall be improved to a minimum Rural Class I SRA "A" standard and shall meet this standard at the time of final map recordation.

The easement from the southwestern corner of Lot 23 to the cul-de-sac at Lot 26 shall be improved to a minimum Rural Class I SRA "A" standard and shall meet this standard at the time of final map recordation.
The easement from the southwestern corner of Lot 23 to the cul-de-sac at Lot 28 shall be improved to a minimum Rural Class I SRA "A" 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)

III-4. Cul-de-sacs shall be constructed at the terminus of the on-site easement roads at Lot 22, Lot 26 and Lot 28. The cul-de-sacs shall be improved to meet county standards and Cal Fire 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, the County Improvement Standards, and the State Fire Safe Regulations, 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 Cal Fire, the applicant may request permission to construct a hammerhead T turnaround. At the time of recordation of the final map, the County Engineer shall confirm that this condition has been met.

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

III-5. An encroachment permit shall be obtained from the Mariposa County Public Works Department prior to any work being done on or adjacent to Hornitos 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)

III-6. Access to Lots 19, 21, 22, 27, and 28 shall be limited to the on-site easements. No further encroachment permits to Hornitos Road for these lots will be granted. A declaration shall be recorded with the final map, referenced on the final map and made appurtenant to Lots 19, 21, 22, 27 and 28. The declaration shall state the following:
“Approved access for residential development of Lots 19, 21, 22, 27, and 28 as shown on the Final Map for the Dunn Ranch, is from (insert approved road name), or (insert other approved road name) and no additional encroachments shall be granted to these lots from Hornitos Road.”

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

(Public Works Recommendation)

III-7. 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.

(Public Works and Mariposa Planning Recommendation)

III-8. 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). Due to increased concern from the ag Commissioner for noxious weeds (star thistle), RCD is asking developers to use weed free straw or rice for their mulch cover after the seed has been spread. 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)

III-9. 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)

III-10. A stop sign shall be placed at the intersection of the on-site easement and Hornitos Road. Two additional stop signs shall be located at the intersection at Lots 21, 23 and 20. The stop signs shall be installed on metal breakaway type posts prior to map recordation. The design and placement of signs shall be approved by the County engineer prior to installation.

(Public Works Recommendation)

III-11. If the on-site easement is accepted by the County for public access but not for maintenance, a sign stating "THIS ROAD IS NOT COUNTY MAINTAINED" shall be
installed at the intersection of the on-site easement and Hornitos 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)

III-12. A road name sign for the on-site easement road shall be placed at the intersection of the easement road and Hornitos Road. Additional road name signs shall be placed at the intersection at lots 21, 23 and 20. The design and specifications of the signs shall be in accordance with the Mariposa County Improvement Standards.

(Section 16.12.175, County Subdivision Ordinance)

III-13. 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 recordation 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.

OR

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.

(Public Works Department Recommendation: Section II.1, Road Improvement and Circulation Policy)

III-14. Verification of taxes paid shall be submitted to the County Surveyor prior to the Final Map Recordation.

(Mariposa Planning Recommendation)

III-15. A declaration shall be recorded concurrently with the final map and shall be referenced on the final map. The declaration shall state the following:

"All residential buildings on Lots 19 through 28 as shown on the Final Map for the Dunn Ranch, 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 Whispering Oaks Major Subdivision and on file in the Mariposa County Planning Department. A building permit shall not be issued for residences placed on foundations unless the foundations meet the foundation requirements contained in the Soils Investigation prepared for the subdivision. The foundation requirements must be incorporated into the building plan and permit. This requirement does not supersede or replace additional soils requirements which the Mariposa County Building Department may enforce."

(Planning Department Recommendation)

III-16. The project easement roads shall be named in accordance with the criteria of County Resolution No. 92-541. A Road Name Request application shall be submitted to the Planning Department and be approved by the Planning Director. The name of the roads shall be shown on the final map.

(County Resolution No. 92-541)

If APN 011-311-006 is no longer is the same ownership as the Phase III project at the time of road naming, the easement from the southeastern corner of Lot 23 to Lot 26 and the easement from the southeastern corner of Lot 23 to Lot 28 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)

HEALTH DEPARTMENT CONDITIONS

III-17. Percolation tests and soils analysis tests shall be performed on Lots 19 through 26 and Lot 28 in accordance with Health Department rules and regulations and Health Department Policy 03-01. A report meeting the requirements of Health Department Rules
and Regulations shall be submitted to the Mariposa County Health Department and be approved by the County Environmental Health Specialist prior to recordation of the final map. A letter from the County Environmental Health Specialist shall be submitted to the County Surveyor stating that approved percolation tests and soils analysis tests have been performed on the lots. 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 19 through 26 and Lot 28 as shown on the Final Map for the Dunn Ranch, 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 the lot that has not had 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 the Dunn Ranch, 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(s) ___ as shown on the Final Map for the Dunn Ranch, 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 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 lots.

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

III-18. Soil profile holes shall be excavated on Lot 27 to the standards of the County Health Department and in the presence of the County Environmental Health Specialist, his authorized representative, or an authorized consultant to verify the feasibility of installing an on-site septic system on the lots. If the County Environmental Health Specialist approves the lots for septic disposal based on the soil profile holes, a letter from the County Environmental Health Specialist stating no additional tests are required and this condition has been fulfilled for that lot shall be submitted to the County Surveyor.

If the results of the soil profile holes do not demonstrate to the approval of the County Environmental Health Specialist that a conventional septic system can be installed on the lot, percolation tests and additional soils analysis tests shall be performed on the lot in accordance with Health Department rules and regulations. The results of these tests shall be submitted to the Mariposa County Health Department and be approved by the County Environmental Health Specialist prior to recordation of the 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 Lot 27 as shown on the Final Map for the Dunn Ranch, 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 lot that has not had an approved percolation tests, additional percolation tests and design recommendations may be required."

If the Health Department approves the report based on the use of special design or engineered septic system then a statement shall be recorded in Official Records concurrently with the 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 27 as shown on the Final Map for the Dunn Ranch, 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, if the Health Department approves the report based on the use of a special design or engineered septic system a notice shall be filed concurrently with the final map and referenced on the final map which states:

"The property described as Lot 27 as shown on the Final Map for the Dunn Ranch, 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 parcel."

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

III-19. Proof of water shall be provided on Lots 19 through 29 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 parcel shall have a well that fails to meet proof of production and proof of production cannot be met on that parcel, the parcel is question shall be merged with an adjacent parcel and the merged parcel shall be shown on the final map for this subdivision.

OR

Prior to recordation of the final map, the applicant shall prove to the satisfaction of the Health Department that Lot 19 through Lot 28 have a supply of potable water meeting requirements for quantity and quality. Proof is as follows:

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

b. a proposed connection to a shared well which has been pre-approved by the Health Department; or

c. a well, for which appropriate permits and inspections have been approved by the Health Department, has been drilled on the subject property and developed with appropriate casings, and for which improvements may or may not include permanently installed pump equipment; or

d. a demonstration that there can be a source of water capable of producing a sustained potable water supply with storage of at least 1,000 gallons per twelve (12) hour day per dwelling unit, which will be contained within any combination of (a) a potable water storage tank, (b) a static water supply in the well; or

e. other satisfactory proof and wells drilled and tested prior to sale to demonstrate the quantities described in "Section d." above.

[Section 16.20.230, Mariposa County Code: Mariposa County General Plan, Section 5.3.02.E (4)]

III-20. If the lots are to be served in the future by a well, the applicant shall record a disclosure statement concurrently with the map and referenced on the map stating the following:

"Water supplies for residential lands are derived from private wells on Lot 19 through Lot 28 as shown on the Final Map for the Dunn Ranch. 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 lots. 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)]

FIRE SAFE REGULATIONS
III-21. Prior to recordation of the final map, the applicant shall have complied with all applicable SRA Fire Safe Regulations. A letter shall be submitted to the County Surveyor from Cal Fire to confirm this requirement.

Additionally, a document shall be recorded and referenced on the Final Map that states:

"Future residential development on Lots 19 through Lot 28 as shown on the Final Map for the Dunn Ranch, shall be required to conform with all applicable SRA Fire Safe Regulations (Public Resource Code 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 or firebreaks within 100 feet from buildings or structures or to the property line unless an alternative mitigation measure is approved by Cal Fire at the time of issuance of a residential building permit."

(State Fire Safe Regulations: Cal Fire Recommendation)

PLANNING DEPARTMENT AND GENERAL CONDITIONS

III-22. Project approval is valid for a period of three years from February 20, 2009. This approval shall expire on February 20, 2012.

(Section 16.16.090, Mariposa County Code)

III-23. Subdivision Map Act Section 66434.2 applies to the filing of the final map for this project.

(Planning Department Recommendation)

III-24. 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.

(Planning Department Recommendation)

MITIGATION MEASURES

III-25. 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 California Department of Fish and Game (CDFG) and file a Stream Alteration Notice to determine if a Section 1603 Stream Alteration Agreement is required. If required, the applicant shall obtain the agreement prior to the commencement of construction activities. A copy of the approved Agreement or evidence that an Agreement is not required shall be submitted to the Public Works Department prior to the onsite consultation meeting required by Condition of Approval No. III-8. If an Agreement is required, all provisions and requirements of the permit shall be completed prior to the filing of the final map. The applicant shall submit to the Public Works Department evidence that
all permit requirements have been met to the satisfaction of the Department of Fish and Game.

A statement shall be recorded in Official Records concurrently with the final map and referenced on the final map as follows:

“Residential driveway construction encroaching into the setback area of or crossing Raster Gulch and/or its tributaries on these lots, including expansion of any existing crossings, may be subject to a Stream Alteration Agreement (SAA) with the Department of Fish and Game. Owners of affected lots 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.”

(Mitigation Measure)

III-26. An open space setback for the tributaries of Raster Gulch shall be established and shown on the final map. The width of the setback area shall be 25 feet from the centerline of tributaries to Raster Gulch, to protect the riparian corridor, native plants, species habitat, oak woodlands, and to prevent soil erosion. A statement shall be recorded in Official Records concurrently with the final map and referenced on the final map as follows:

“No structure shall be constructed within the open space setbacks as shown on the final map for the Dunn Ranch filed in Book of Maps at Page ____ Mariposa County Records. No portions of a sewage disposal system shall be constructed within the open space setback. A well or wells, water pipes, underground and above ground power lines, fencing, and other similar structures or improvements may be constructed within the open space setback subject to approval by the Planning Director in consultation with a qualified biological consultant, whose services shall be paid for the property owner. No grading shall be allowed within the setback, except as needed to implement the uses described in the following paragraphs.

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

(Mitigation Measure)

III-27. 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)

III-28. For the preservation and protection of oak woodlands, 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 recordation of the final map and prior to the scheduling of the on-site pre-construction conference required by Condition No. III-8, 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 and fifty feet of the centerline of the on-site/off-site easement road that are 5" or larger in diameter at breast height, with breast height being 4 1/2' above natural grade. All trees identified as Quercus that may be removed for construction shall be identified on this Oak Tree Site Plan. All oak trees identified for removal on the project site shall be replaced at a ratio of three to one of a like species of oak, minimum of 10-gallon size, purchased from a nursery that has stock compatible for project site conditions, except as described below. This Plan shall be prepared by a certified professional arborist, licensed landscape architect, registered professional forester, qualified botanist, or other qualified professional as approved by the Mariposa County Planning Department. This Plan shall specify maintenance requirements, costs, and procedures to ensure the viability of the replacement trees. If the qualified professional preparing this survey suggests an alternative to replacing the trees to be removed, that alternative suggestion shall be evaluated by the Mariposa County Planning Department and if determined to be acceptable by the Planning Director, shall be implemented. If the qualified professional determines that the number of trees removed will not create a significant impact, then that determination together with supporting documentation for this determination shall be presented for the Director's consideration. This may be presented in lieu of an Oak Tree Identification and Preservation Plan. The Plan shall be completed and approved by the Planning Department prior to scheduling the onsite 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.

(Mitigation Measure)

III-29. 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)

RECOMMENDATION ON OFFERS OF DEDICATION

The Planning Commission recommends that the County Engineer accept the offers of dedication of the easements on-site for each of Phase I, Phase II, and Phase III, including the cul-de-sac easements, for public access and utilities, but reject the offer of dedication for maintenance for each phase.