A resolution conditionally approving Major Subdivision Application No. 2008-151; Merlin & Miriam Jones, applicants. Assessors Parcel Number 003-070-003

WHEREAS an application for a major subdivision was received on August 20, 2008 from Merlin and Miriam Jones for a property located at the intersection of Dexter Road, Ponderosa Way and Cuneo Road in the Greeley Hill area near the Tuolumne County line, also known as Assessors Parcel Number 003-070-003; and

WHEREAS the project proposes the division of a 77.35 acre parcel into fourteen lots of between 5.00 and 7.57 acres each; and

WHEREAS Cuneo Road and Dexter Road are county maintained roads; and

WHEREAS a sewage feasibility report, a biological assessment, an addendum to the biological assessment, a preliminary soils investigation report, and a cultural resource assessment were submitted to assist in the environmental review of the project; and

WHEREAS a duly noticed public hearing was scheduled for the 19th day of June 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 applicants and the agent; and

WHEREAS on the 19th day of June 2009, the Planning Commission continued the hearing until the 24th day of July 2009 at 9 am or as soon thereafter as possible in order to allow staff to address issues that were raised by the public regarding the potential impact of the project on groundwater; and

WHEREAS Health Department staff conducted a review of all the well logs of parcels located within a half (1/2) mile radius of the project site and prepared a memo with their findings for the Planning Commission; and
WHEREAS the Planning Commission did hold a public hearing to address the water issues raised at the previously scheduled hearing on the continued date and considered all of the information in the public record, including the Staff Report, the Initial Study, the memo prepared by the Health Department as well as the information presented by the Health Department at the continued hearing, testimony presented by the public concerning the water issues raised at the previously scheduled hearing date, and the comments of the applicants and the agent, and the public.

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

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby approve Major Subdivision Application No. 2008-151.

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 24th day of July 2009 by the following vote:

AYES: Ross, Marsden, Tucker, Rudzik, and Francisco

NOES: None

EXCUSED: None

ABSTAIN: None

Attest:

[Signature]
Bob Rudzik, Chairman
Mariposa County Planning Commission

[Signature]
Judy Mueller, Secretary
Mariposa County Planning Commission
EXHIBIT 1

PROJECT FINDINGS

FOR

Major Subdivision Application No. 2008-151

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

EVIDENCE: Based on site inspection and the proposed division of the existing parcel into 14 lots that are all between five and 7.57 acres, the site is physically suited for low-density residential development and appurtenant improvements such as septic systems. The easement road and/or a county road provide adequate access to the residential parcels. The proposed project is located within the Mountain Home zone. The subdivision density is designed in accordance with the Mountain Home zone.

2. FINDING: The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

EVIDENCE: The Initial Study prepared for the project found that based on the approved project description and the proposed mitigation measures, it would have a less than significant effect on the environment. Implementation of mitigation measures as identified in the project's initial study will reduce potentially significant impacts of project implementation on riparian corridors, wildlife, or their habitat, oak woodlands and nesting birds to less than significant levels. The project is subject to the California Department of Fish and Game filing fees of ($1,993.00) for a mitigated negative declaration as required by AB 3158 and a County Clerk fee of ($50) for a total of $2,043.00.

3. FINDING: The design of the subdivision or the proposed improvements is not likely to cause serious public health problems.

EVIDENCE: This land division and its subsequent use for low-density residential purposes are not likely to cause serious health problems. Future residential uses will be required to comply with all Building Code regulations and Health Department standards for the proper installation of wells and sewage disposal systems. The site soils are suitable for the installation of standard septic systems. The proper location and implementation of these improvements will ensure that serious health problems will not occur on the site. Project roadways and encroachments will be constructed in accordance with all state and local standards that are designed to reduce potentially significant impacts on traffic and roadways to less than significant levels.
4. **FINDING:** The proposed map is consistent with applicable general and specific plans as specified in Government Code Section 65451.

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

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

**EVIDENCE:** The minimum lot size proposed by the project is consistent with the Residential land use classification standards contained in the Mariposa County General Plan and Title 17, Mariposa County Zoning. The subdivision design is consistent with the General Plan standard that all new subdivision parcels have safe and adequate access. The land division’s design complies with the County Subdivision Ordinance’s maximum 4:1 length to width ratio for parcel configuration. The project site is not in an area governed by a Specific Plan.

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

**EVIDENCE:** The project will not conflict with any public easement. Affected utility companies have reviewed the proposed project and have not objected to the proposal.

7. **FINDING:** There is evidence in the record produced by the Health Department that the project area has adequate water to support existing residential development.

8. **FINDING:** There is evidence in the record produced by the Health Department that area wells have been drilled without impacting surrounding existing wells.

9. **FINDING:** There is evidence in the record produced by the Health Department that general groundwater gradient moves from the existing development towards the project site. Specifically the groundwater moves from the north of the project site towards the project site south.
10. **FINDING:** The well log records study performed by the Health Department looked at all of the parcels with well deepenings or that have additional wells within a half (1/2) mile radius of the project site and found that some were replaced because of septic concerns, some were originally drilled to less than 100 feet and others were drilled to less than 50 feet. Most of these shallow wells were drilled in the 1970's or earlier. Current Health Department policies prohibit the installation of wells that are drilled to less than 50 feet.

11. **FINDING:** There was no evidence presented to show that the project would have a significant impact on groundwater supplies in the area. Opinions and narratives were provided that did not amount to substantial evidence in the record that the project would have a significant impact on groundwater resources.
EXHIBIT 2
CONDITIONS OF APPROVAL AND MITIGATION MEASURES
FOR
Major Subdivision Application No. 2008-151

Project Name: Ponderosa Estates
File Number: Major Sub No. 2008-151

Project Approval Date: July 24, 2009

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

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<th>CONDITIONS OF APPROVAL / PUBLIC WORKS DEPARTMENT</th>
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<td>Monitoring Dept.</td>
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<td>Verified Implemented</td>
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<tr>
<td>1. The easement (Easement No. 1) from Cuneo Road to the cul-de-sac on lots 9, 10, 13 and 14; the easement (Easement No. 2) from Easement No. 1 to the cul-de-sac on lots 3 and 4; and the easement (Easement No. 3) from Easement No. 1 to Ponderosa Way 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 easement shall be designated for access for the use and benefit of the subject property. Additional easement width may be required to encompass the required road improvements, including turnouts and associated cuts and fills, in accordance with the County Improvement Standards and the Road Improvement and Circulation Policy. Provisions for a public utility easement along the access easement shall be made; the public utility easement shall be offered for dedication to the County of Mariposa</td>
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and shall specifically state that the dedication is for public utility purposes only. The location and width of the easements shall be approved by the County Engineer.

§16.12.160.B, County Subdivision Ordinance; Section II.A.3, Road Improvement and Circulation Policy.

2. A variable width dedication of at least 30 feet from the centerline of Cuneo Road shall be offered to the County of Mariposa. The offer of dedication shall be non-revocable and non-exclusive and shall specifically state on the final map that the dedication is for “public road and public utility purposes.” The location and width of the offer of dedication shall be approved by the County Engineer. The offer of dedication shall include all dedication required to encompass the existing slopes.

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

3. A variable width dedication of at least 20 feet from the centerline of Ponderosa Way shall be offered to the County of Mariposa. The offer of dedication shall be non-revocable and non-exclusive and shall specifically state on the final map that the dedication is for “public road and public utility purposes.” The location and width of the offer of dedication shall be approved by the County Engineer. The offer of dedication shall include all dedication required to encompass the existing slopes.

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

4. 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 60 feet in width. The location, width, and description of the easements shall be approved by the County Engineer.

(Public Works Recommendation)
5. The easement (Easement No. 1) from Cuneo Road to the northwestern corner of Lot 11 shall be improved to a Rural Class II SRA standard. The easement (Easement No. 1) from the northwestern corner of Lot 11 to the cul-de-sac on Lots 9, 10, 13, and 14 shall be improved to a Rural Class I SRA standard. These standards shall be met at the time of final map filing. The intersection of the on-site easement road and Cuneo Road shall be constructed at as close to a 90 degree angle as possible or as approved by the County Engineer. The required road improvements shall be completed in accordance with the Road Improvement and Circulation Policy and the County Improvement Standards and shall be approved by the County Engineer at the time of the filing 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.

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

6. The easement (Easement No. 2) from Easement No. 1 to the cul-de-sac on Lots 3 and 4 shall be improved to a Rural Class I SRA standard and shall meet this standard at the time of final map filing. The intersection of the on-site easement road and Easement No. 1 shall be constructed at as close to a 90 degree angle as possible or as approved by the County Engineer. The required road improvements shall be completed in accordance with the Road Improvement and Circulation Policy and the County Improvement Standards and shall be approved by the County Engineer at the time of the filing 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.

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

7. A cul-de-sac shall be constructed at the terminus of the on-site easement roads; Easement No. 1 and Easement No. 2. The cul-de-
sac shall be improved to meet county standards and shall meet this standard at the time of parcel map recordation. The required cul-de-sac improvements shall be completed in accordance with the Road Improvement and Circulation Policy and the County Improvement Standards and shall be inspected and approved by the County Engineer prior to recordation of the parcel 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. Prior to recordation of the parcel map, the County Surveyor shall confirm that this condition has been met.

**Cal Fire requirements will have to be met.**

### Public Works Recommendation

8. The easement (Easement No. 3) from Easement No. 1 to Dexter Road shall be improved to a Rural Class I SRA standard and shall meet this standard at the time of final map filing. The intersection of the on-site easement road and Easement No. 1 shall be constructed at as close to a 90 degree angle as possible or as approved by the County Engineer. The required road improvements shall be completed in accordance with the Road Improvement and Circulation Policy and the County Improvement Standards and shall be approved by the County Engineer at the time of the filing 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.

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

9. Prior to filing of the final map, frontage improvements on Cuneo Road shall be completed. The frontage improvements shall consist of widening Cuneo Road to a Rural Class 1 SRA paved standard or a Rural Class II SRA gravel standard per Chart A of the Road Improvement and Circulation Policy. These improvements shall be completed in accordance with the County Road Improvement and

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Circulation Policy and the County Improvement Standards.

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

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

Planning Department Recommendation

11. 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) and in accordance with the County Improvement Standards. The applicant shall also contact 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 filing of the final map.

Road Improvement and Circulation Policy

12. Access to Lot 1 shall be limited to the on-site easement road. No further encroachment permits to Cuneo Road for this parcel will be granted. A declaration shall be filed with the final map, referenced on the final map and made appurtenant to Lot 1. The declaration shall state the following:

“Approved access for residential development of Lot ____, as shown on the final map for Ponderosa Estates filed in Book of Maps ____ at Page ____, Mariposa County Records, is from ______, and no additional encroachments shall be granted to this parcel from Cuneo Road.”
The County Engineer will confirm that this condition has been met prior to map filing.

Public Works Recommendation

13. A road maintenance association shall be formed to provide for the maintenance of the on-site and off-site easement roads. Maintenance shall include, but not be limited to, drainage and erosion control devices, fuel modification, and upkeep of road surfaces. The Road Maintenance Association provisions shall be developed by the applicant so those parcels 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, special district, or other governmental entity.
b. Provide for annual maintenance and the immediate correction of emergency and hazard situations.
c. Include 100% of the parcels 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 on-site and off-site roads. The applicant shall be responsible for all costs associated with the filing of the petition, including but not limited to, preparation and
cost 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 the recordation of the map.

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

14. An encroachment permit shall be obtained from the Mariposa County Public Works Department prior to any work being done on or adjacent to Cuneo and Dexter roads. 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.

15. Prior to the commencement of any road improvements, road construction or other road building or maintenance activities required as a condition of approval for this project and prior to issuance of any encroachment permit for the required improvements, a consultation meeting with the Public Works Department, CalFire, the applicant, the agent, and road contractor shall occur. Any and all costs associated with the consultation shall
be the responsibility of the applicant. The County engineer shall verify 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**

16. 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 improvement required as a condition of approval for this project. If engineered improvement plans are required, the plan shall be approved by the County Engineer prior to commencement of construction work on the required road improvements.

**Public Works Recommendation**

17. All required signs shall be installed on metal, break-away type posts. The design and placement of signs shall be approved by the County Engineer prior to installation.

**Public Works Recommendation**

18. Stop signs shall be placed at the intersections of Easement No. 1 and Cuneo Road, Easement No. 2 and Easement No. 1, Easement No. 3 and Easement No. 1, and Easement No. 3 and Dexter Road. The design and placement of the sign shall be approved by the County Engineer prior to installation.

**Public Works Recommendation**

19. A sign stating “THIS ROAD IS NOT COUNTY MAINTAINED” shall be installed at the intersection of Cuneo Road and the easement road and at the intersection of Dexter Road and the easement road. The design and specifications of the sign shall be in accordance with the County Improvement Standards.
Section III.A.4, Road Improvement and Circulation Policy

20. A road name sign for the on-site easement road shall be placed at the intersections of Easement No. 1 and Cuneo Road, Easement No. 2 and Easement No. 1, Easement No. 3 and Easement No. 1, and Easement No. 3 and Dexter Road. The design and specifications of the sign shall be in accordance with the Mariposa County Improvement Standards.

County Subdivision Ordinance § 16.12.175

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

Public Works

Mariposa Planning Recommendation

22. A final Soils Report shall be submitted to the County Planning Department as required by Mariposa County Code Subdivision Ordinance, Section 16.20.220 and applicable requirements of the Subdivision Map Act. The Soils Report shall be reviewed and approved by the County Engineer prior to final map filing.

Public Works

Section 16.20.220, Mariposa County Code

CONDITIONS OF APPROVAL/CALIFORNIA DEPARTMENT OF FORESTRY & FIRE PROTECTION

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

CDF/County Surveyor

24. The cul-de-sac turnarounds shall be the same surface as the roadway and be constructed with a minimum effective radii of no less than 40 feet (45 feet is recognized as the most restrictive legal standard in Mariposa County) (Public Resources Code Section 1273.05). If parking is anticipated or allowed within the cul-de-sac, the radii of the turnaround must increase proportionately.

CDF/Public Works

Public Resources Code §1273.05.

25. Prior to filing of the final map, the applicant shall have complied with all applicable State Responsibility Area Fire Safe Regulations. A document shall be recorded and referenced on the final map that states:

"Future residential development on lots 1 through 14, as shown on the Final Map for Ponderosa Estates, filed in Book of Maps at Page , Mariposa County Records, shall be

CalFire
required to conform with all applicable SRA Fire Safe Regulations (Public Resource Codes 4290 and 4291.) Furthermore, the development of the lots is subject to all applicable SRA Fire Safe Regulations and the risk of fire hazards shall be reduced through compliance with Public Resource Code 4291, including the requirement to maintain fire protection of firebreaks within 100 feet from building or structures or to the property line unless an alternative mitigation measure is approved by CalFire at the time of issuance of a residential building permit.”

CalFire Recommendation

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<th>CONDITIONS OF APPROVAL / MARIPOSA PLANNING</th>
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<td>26. Easement No. 1 from Cuneo Road to the cul-de-sac on Lots 9, 10, 13, and 14; Easement No. 2 from Easement No. 1 to the cul-de-sac on Lots 3 and 4; and Easement No. 3 from Easement No. 1 to Dexter 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 (Easement No. 1 and No. 2) or the Board of Supervisors (Easement No. 3). The name of the road shall be shown on the final map.</td>
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County Resolution 92-541

| 27. Project approval is valid for a period of three years from July 24, 2009. This approval shall expire on July 24, 2012. | Mariposa Planning |

§16.16.090, Mariposa County Subdivision Code

| 28. Prior to filing of the final map, evidence that the State Department of Real Estate Public Report process has been commenced shall be submitted to the County Surveyor. Completion of the public report process is not necessary for map recordation, but is necessary prior to lot sale. | Public Works/ Mariposa Planning |

Mariposa Planning Recommendation

| 29. 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 January 1, 2009) and County Clerk fee ($50 as of January 1, 2009) shall be paid by the applicant within five (5) working days of the approval of the application (by Friday, July 31, | Mariposa Planning |
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, July 31, 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 January 1, 2009), and that it be in the form of a cashiers check or money order payable to “Mariposa County;” The County Clerk will not accept a personal check for these fees. Submit the check to Mariposa Planning who will 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)

30. Prior to the commencement of any road improvements, road construction or other road building or maintenance activities required as a condition of approval for this project, the applicant shall contact the Regional Water Quality Control Board (RWQCB) to determine if a General Permit for discharges or Storm Water Associated with Construction Activity is required. If required, the applicant shall obtain the permit prior to commencement of construction activities. A copy of the approved permit or evidence that a permit is not required shall be submitted to the Public Works Department by the applicant prior to the onsite consultation meeting required by Condition of Approval No. 15. If a permit is not required, the applicant shall submit evidence to the satisfaction of the Planning Director, which may include calculations prepared by an engineer. If a permit is required, all provisions and requirements of the permit shall be completed prior to filing of the final map. The applicant shall submit to the Public Works Department evidence that the permit requirements have been met to the satisfaction of the RWQCB.

State Water Quality Control Board Order No. 99-09-DWQ, National Pollutant Discharge Elimination System (NPDES)

31. 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.

Section 16.36.030, Mariposa County Subdivision Ordinance

32. A declaration shall be filed with the final map and referenced on the final map. The declaration shall state the following:

“For slab-on-grade construction, the reddish brown stiff sandy clayey silt and the yellow/blue firm to stiff sandy clay soils with medium to very high swelling potential should be completely removed by overexcavation from the building area as described in the Soils Investigation Report prepared for Ponderosa Estates and on file with the County Planning Department if they are found during site preparation on Lots 1 through 14 as shown on the Final Map for Ponderosa Estates, filed in Book of Maps ___ at Page ___, Mariposa County Records. It is highly recommended that the Soils Investigation Report’s Conclusions and Recommendations be reviewed prior to any construction occurring on these lots.

Mariposa Planning Recommendation, Mitigation Measure B.6.b.1
33. Subdivision Map Act Section 66434.2 applies to the filing of the final map for this project.

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

34. Proof of water shall be provided on Lots 1 through 14 prior to recodration 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---

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

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

b. a proposed connection to a shared well which has been
preapproved by the Health Department; or
c. a well, for which appropriate permits and inspections have been
approved by the Health Department, has been drilled on the
subject property and developed with appropriate casings, and for
which improvements may or may not include permanently installed
pump equipment; or
d. a demonstration that there can be a source of water capable of
producing a sustained potable water supply with storage of at least
1,000 gallons per twelve (12) hour day per dwelling unit, which will
be contained within any combination of (a) a potable water storage
tank, (b) a static water supply in the well; or
e. other satisfactory proof which may consist of a hydrogeological
study of the area by a qualified professional and wells drilled prior
to sale.

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

35. If the lots are to be served in the future by a well, there will be a
requirement to record a disclosure statement concurrently with and
referenced on the parcel map stating the following:

"Water supplies for residential lands are derived from private wells
on Lots 1 through 14 as shown on the final map for Ponderosa
Estates, filed in Book ___ at Page ___, Mariposa County Records.
Mariposa County groundwater supplies are found in fractures in the
bedrock. The costs associated with drilling and developing a private
well is highly variable because it is unknown how much or if any
additional water can be found on these parcels. There is no
guarantee additional potable water supply of adequate quality or
quantity can be found or sustained on any parcel shown on this
map."

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

36. Prior to filing of the final map the applicant shall demonstrate to
the satisfaction of the Mariposa County Health Department that the
minimum required area per Health Department Policy 03-01 is

Environmenta I Health
available for use on all parcels adjacent to the areas tested. This may include excavating additional profile holes at the discretion of the Health Department. If the Health Department does not approve the pre-tested site then additional percolation tests and soil profile analysis shall be performed on those parcels not approved by the Health Department. Any parcel not meeting Health Department Policy 03-01 to the satisfaction of the Health Department shall be merged with an adjoining parcel or parcels. The setback areas required by any other Condition of this approval may not be used to satisfy this condition.

37. If the Health Department approves the available area outlined in the above condition (number 36) then an accurate map showing the approved sewage disposal area and design recommendations for the sewage disposal systems shall be submitted to and approved by the Health Department. The map and design recommendations shall be submitted under the signature and stamp of the registered professional preparing the initial soils report, or another registered professional retained to prepare the design.

38. If the Health Department approves the available area outlined in condition number 36 and the design recommendations outlined in condition number 37 using standard/conventional on-site sewage disposal systems then a statement shall be filed 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 can be constructed on lot(s) ______, as shown on the Map for ______, filed in Book ______ at Page ______, Mariposa County Records. 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. If an on-site sewage disposal system is proposed for an area other than the approved sewage reserve area additional soils tests will be required. Any new site must meet the minimum criteria for new lot creation based on Health Department Policy 03-01. The State of California is in the process of developing Statewide on-site sewage disposal regulations that could affect the future installation of 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 any of these parcels."
39. If the Health Department approves the available area outlined in condition number 36 and the design recommendations outlined in condition number 37 using engineered, alternative design on-site sewage disposal systems then a statement shall be filed 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 Map for ______, filed in Book __ at Page __, Mariposa County Records, 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. If an on-site sewage disposal system is proposed for an area other than the approved sewage reserve area additional soils tests will be required. Any new site must meet the minimum criteria for new lot creation based on Health Department Policy 03-01. 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 any of these parcels.

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

"The properties described as Lots ____ as shown on the Map for ______, filed in Book __ at Page __, Mariposa County Records, are 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. 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 systems are 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.

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."

40. Prior to the pre-construction meeting required by Condition 15 the applicant shall demonstrate to the satisfaction of the Mariposa County Air Pollution Control District that all grading activities comply with California Code of Regulations Title 17 section 93105. Asbestos Airborne Toxic Control Measure for Construction, Grading, Quarrying, and Surface Mining Operations

Air Pollution Control District Recommendation

41. The applicant shall obtain a land development Burn Permit from the Mariposa County Air Pollution Control District prior to lighting any fires to dispose of brush, grass, trees and other flammable debris generated during ground clearing activities associated with compliance with the conditions outlined for this project.

Air Pollution Control District Recommendation
CEQA MITIGATION MEASURES

42. 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.15. 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 the Cuneo Creek tributary and/or its two ephemeral drainages on Lots 1 through 14 as shown on the final map for Ponderosa Estates, filed in Book ___ at Page ___, Mariposa County Records., 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 B.4.b.1

43. Any tree removal or pruning 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 or pruning 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 or pruning. If these code sections will be violated by tree removal or pruning between February 1 and September 15, mitigation measures established by the qualified biologist/botanist shall be implemented to reduce impacts of this tree removal or pruning 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 or pruning on the site.

Mitigation Measure 4.d.1

44. An open space setback for the Cuneo Creek tributary and the two ephemeral drainages shall be established and shown on the final map. Areas within the 60 foot wide access easements are excluded from this requirement. The width of the setback area shall be 50 feet from the apparent centerline of the Cuneo Creek tributary as shown on Figure 5 of the Ponderosa Estates Biological Assessment through Lots 9, 13, and 14; and 25 feet from the centerline of the two ephemeral drainages as shown on Figure 5 of the Ponderosa Estates Biological Assessment through Lots 7, 11, 10, 13 and 14 and Lot 9, 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 Ponderosa Estates filed in Book of Maps____ at Page ____ Mariposa County Records. These setbacks exclude the 60 foot wide access easements. 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, residential driveways, 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.

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

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

Mitigation Measure 4.b.1

45. An open space setback of 0.78 acres within the ravine near the western portion of the project site (see Figure 5 of the Ponderosa Estates Biological Assessment) shall be established and shown on the final map. The width of the setback area shall be at least 50 feet wide, to protect the 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:

“The open space setback as shown on the final map for Ponderosa Estates filed in Book of Maps___ at Page ___. Mariposa County Records, shall be maintained as a preservation area. No removal of live oak trees or vegetation shall occur, except for fire prevention, diseased growth or similar measures as determined by the Planning Director.

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

Mitigation Measure 4.e.1

46. Cultural resources shall not be altered, disturbed, removed, or destroyed. If any cultural resources or archeological materials are uncovered during ground disturbance or construction activities Mariposa Planning
associated with compliance with the conditions of approval for this project, Mariposa County authorities and/or a qualified archeologist shall be notified immediately by the applicant or his representative and construction work shall be stopped in this area until mitigation is established by appropriate professional(s) meeting the Secretary of Interior qualification standards. Should human remains be encountered, the County Coroner must also be notified within 48 hours. If the remains are Native American, the coroner must notify the Native American Heritage Commission within 24 hours.

Mitigation Measure 5.a and b.1

**RECOMMENDATION ON OFFERS OF DEDICATION**

| Staff recommends that the Planning Commission recommend that the Public Works Director accept the offer of dedication for public utilities along the on-site easement roads. | Public Works |
| Mariposa Planning Recommendation |
| Staff recommends that the Planning Commission recommend that the Public Works Director accept the offer of dedication for public road and utility purposes along Ponderosa Way. | Public Works |
| Mariposa Planning Recommendation |
| Staff recommends that the Planning Commission recommend that the Public Works Director accept the offer of dedication for public road and utility purposes along Cuneo Road. | Public Works |

**Agency Contact List**

<table>
<thead>
<tr>
<th>AGENCY</th>
<th>CONTACT</th>
<th>PHONE NUMBER</th>
<th>EMAIL</th>
<th>SITE ADDRESS</th>
<th>MAILING ADDRESS</th>
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<tbody>
<tr>
<td>Mariposa Planning</td>
<td>Alvaro Arias</td>
<td>209-742-1218</td>
<td><a href="mailto:aarias@mariposacounty.org">aarias@mariposacounty.org</a></td>
<td>5100 Bullion Street</td>
<td>P.O. Box 2039</td>
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<td>Mariposa CA 95338</td>
<td>Mariposa CA 95338</td>
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<tr>
<td>Public Works</td>
<td>Cheryl Jay</td>
<td>209-966-5356</td>
<td></td>
<td>4639 Ben Hur Road</td>
<td>Same as site</td>
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<td></td>
<td></td>
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<td>Mariposa CA 95338</td>
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<tr>
<td>Health Department</td>
<td>Dave Conway</td>
<td>209-966-2220</td>
<td>5100 Bullion Street</td>
<td>Mariposa CA 95338</td>
<td>P.O. Box 5</td>
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<tr>
<td>Regional Quality Control Board</td>
<td>JoAnne Kipps</td>
<td>559-445-5035</td>
<td>1685 E Street</td>
<td>Fresno CA 93706</td>
<td>Same as site</td>
</tr>
<tr>
<td>Mariposa County Resource Conservation District</td>
<td>Dawn Afman</td>
<td>209-966-3431</td>
<td>5009 Fairgrounds Rd</td>
<td>Mariposa CA 95338</td>
<td>P.O. Box 746</td>
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<tr>
<td>County Assessor</td>
<td>Sarah Wise</td>
<td>966-2332</td>
<td>4982 10th Street</td>
<td>Mariposa CA 95338</td>
<td>P.O. Box 35</td>
</tr>
<tr>
<td>County Fire</td>
<td>Jim Wilson</td>
<td>209-966-4330</td>
<td>6082 Bullion Street</td>
<td>Mariposa CA 95338</td>
<td>P.O. Box 162</td>
</tr>
<tr>
<td>CalFire</td>
<td>Matt Watson</td>
<td>209-966-3622</td>
<td>5366 Highway 49</td>
<td>Mariposa CA 95338</td>
<td>5366 Highway 49N</td>
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</tbody>
</table>

Certificate of Completion:

By signing below, the environmental coordinator confirms that the required conditions of approval and mitigation measures have been implemented as evidenced by the "Schedule of Tasks and Sign-Off Checklist", and that all direct and indirect costs have been paid. This act constitutes the issuance of a Certificate of Completion.

__________________________________ Date

Environmental Coordinator

Explanation of Headings:

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

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