Resolution

WHEREAS an application for Major Subdivision No. 2007-089 was received on May 17, 2007 from Gustavo Gonzales for property located at in the Lake Don Pedro area roughly four miles east of the intersection of Merced Falls Road and Highway 132, identified as APN 001-150-002; and

WHEREAS Major Subdivision Application No. 2007-089 proposes the division of a 40.10-acre parcel into 8 lots ranging in size from 5.00 acres to 5.01 acres, and

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

WHEREAS a duly noticed public hearing was scheduled for November 6, 2009; and

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

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

WHEREAS the Initial Study/Proposed Mitigated Negative Declaration was distributed to affected state agencies through the State Clearinghouse process under State Clearinghouse number 2009061009, and

WHEREAS the Planning Commission considered all of the information in the public record, including the Initial Study and Staff Report, testimony presented by the public concerning the application, and the comments of the applicant.

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

BE IT FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby approve Major Subdivision Application No. 2007-089.

BE IT FURTHER RESOLVED THAT the project is approved based upon the findings set forth in Exhibit 1 with the terms, conditions and mitigation measures set forth in Exhibit 2.
BE IT FINALLY RESOLVED THAT project mitigation measures will be monitored as shown in Exhibit 3.

ON MOTION BY Commissioner Ross, seconded by Commissioner Marsden, this resolution is duly passed and adopted this 6th day of November 2009 by the following vote:

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

NOES: None

EXCUSED: None

ABSTAIN: None

[Signature]
Robert L. Rudzik, Chair  
Mariposa County Planning Commission

Attest:

[Signature]
Judy Mueller, Secretary to the  
Mariposa County Planning Commission
EXHIBIT 1
PROJECT FINDINGS
FOR
Major Subdivision Application No. 2007-089

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 8 lots that are five acres in size, the site is physically suited for low-density residential development and appurtenant improvements provided that the conditions of approval relating to proof of water and to septic systems and their approved locations are met. The easement road provides adequate access to the residential lots. 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 implementation of mitigation measures the project would reduce potentially significant impacts on the blue-line drainage, including the wetland area, 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).

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

EVIDENCE: This subdivision will not cause serious health problems with the implementation of the conditions of approval that are designed reduce potential health effects from poorly performing septic systems. Soils on the site create limitations with respect to septic disposal and special design, engineered systems will be required to be installed and setbacks around the qualified disposal areas on the lots shall be shown on the final map and constructive notice given to lot buyers that no construction of any kind can occur in the setback area. 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. All future residential uses will be required to comply with the State Fire Safe Standards as mandated by California Public Resources Code Sections 4290 and 4291, which address health and safety issues related to fire protection. 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 Mountain Home zone standards contained in Title 17, Mariposa County Zoning Code. The subdivision design is consistent with the General Plan standard that all new subdivision parcels have safe and adequate access. The project’s tentative map shows that the leachfield system for the residences on proposed Lot 1 is located on proposed Lot 6. This is not allowed by Section 5.3.02E(3) of the 2006 Mariposa County General Plan which states, “New parcels must have approved areas for onsite or community system sewage disposal if sewer connections are not available and will obtain an approval from the Health Department.” The adoption of a condition of approval requiring an abandonment of this leachfield system for service to Lot 1 will ensure that septic disposal on the site is in compliance with the General Plan. 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.
EXHIBIT 2
CONDITIONS OF APPROVAL/MITIGATION MEASURES
FOR
Major Subdivision Application No. 2007-089

Sign-Off Checklist for List of Conditions of Approval and Mitigation Measures

<table>
<thead>
<tr>
<th>CONDITIONS OF APPROVAL / PUBLIC WORKS DEPARTMENT</th>
<th>Monitoring Dept.</th>
<th>Verified Implemented</th>
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<td>1. The easement shall be made a minimum 60 feet 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 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 and shall specifically state that the dedication is for public utility purposes only. The location and width of the easement shall be approved by the County Engineer. (Section 16.12.160.B, County Subdivision Ordinance; Section II.A.3, Road Improvement and Circulation Policy)</td>
<td>Public Works</td>
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<td>2. The easement from Highway 132 to the northeastern corner of Lot 6 shall be improved to a Rural Class II standard and shall meet this standard at the time of filing the final map. The easement from the northeastern corner of Lot 6 to the cul de sac shall be improved to a Rural Class I standard and shall meet this standard at the time of filing the final map. 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 filing of the final map. The County Engineer may require engineered improvement plans prepared by a Registered Civil Engineer for any</td>
<td>Public Works</td>
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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)

3. The easement road and turnaround shall be allowed to be constructed within the open space setback established for the protection of the on-site drainage. If road construction occurs during the rainy season, a sedimentation control plan designed to keep eroded material from entering the on-site drainage shall be prepared and submitted to the Mariposa County Public Works Department in accordance with Section 12.3.(G) of the Mariposa County Improvement Standards. The Plan shall be reviewed and approved by the Public Works Department prior to the pre-construction consultation meeting as required in these conditions of approval. The Plan shall include temporary sedimentation basins, if deemed necessary by the Mariposa County Public Works Department. Sedimentation control facilities are to be installed in conjunction with initial easement road grading operations and maintained throughout the construction period to remove sediments from runoff waters during easement road construction. Easement road construction shall comply with all other applicable requirements of Section 12 – Erosion Control, contained in the Mariposa County Improvement Standards.

(Section 12 – Erosion Control, Mariposa County Improvement Standards)

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 shall meet these standards at the time of final map filing. The required cul-de-sac improvements shall be completed in accordance with the Road Improvement and Circulation Policy and the County Improvement Standards and shall be inspected and approved by the County Engineer at the time of filing of the final map. If construction of a cul-de-sac is impractical due to the on-site terrain as determined by the County Engineer with the concurrence of CalFire, the applicant may request permission to construct a hammerhead T turnaround. At the time of filing of the final map, the County Engineer shall confirm that this condition has been met.

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

5. An encroachment permit shall be obtained from the California Department of Transportation prior to any work being done within the State Highway 132 right-of-way. A copy of the encroachment permit shall be provided to the County Surveyor. All encroachment
improvements shall be completed as required by CalTrans. Evidence that all encroachment permit improvements have been completed to the satisfaction of CalTrans shall be submitted to the County Surveyor by the applicant prior to recordation of the final map.

(Chapter 11, County Improvement Standards)

6. 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 CalFire shall occur. A representative from Caltrans shall be given an opportunity to attend the consultation meeting, but shall not be required to attend the meeting. 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. The proposed centerline of the easement road and cul-de-sac shall be flagged prior to the on-site meeting.

(Public Works and Mariposa Planning Recommendation)

7. 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)

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). 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 filing of the final map.

(Road Improvement and Circulation Policy)

9. All cut and fill areas required for the construction of the proposed Public Works
access road, outside of the designated road easement, shall be included within slope easements and shall be delineated as such on the final map. The location, width, and description of the easements shall be approved by the County Engineer. All slopes shall be included within the required easement.

(Public Works Recommendation)

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. If the stop sign is located in the Highway 132 right-of-way, then Caltrans sign standards shall apply as stated in the condition below.

(Public Works Department Recommendation)

11. A STOP sign shall be placed at the intersection of the on site easement road and Highway 132. The design and placement of this STOP sign shall be approved by the County engineer prior to installation, unless the sign is located in the Highway 132 right-of-way, it is to be installed according to CalTrans standards.

(Public Works Recommendation)

12. A sign stating "THIS ROAD IS NOT COUNTY MAINTAINED" shall be installed at the intersection of Highway 132 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)

13. 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. A road name sign for the on-site easement road shall be placed at the intersection of the easement road and Highway 132. The design and specifications of the sign shall be in accordance with the Mariposa County Improvement Standards, unless the sign is located in the Highway 132 right-of-way, then it is to be installed according to CalTrans standards.

(County Resolution No. 92-541; Section 16.12.175, County Subdivision Ordinance)

14. The project applicant shall form a road maintenance association. 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 road shall be responsible for road maintenance. These provisions shall be reviewed and approved by the County Engineer.
prior to filing of the final map and shall:

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<td>a.</td>
<td>Be in effect for the life of the project unless said maintenance is taken over by the County, a special district, or other government entity.</td>
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<td>b.</td>
<td>Provide for annual maintenance and the immediate correction of emergency and hazard situations.</td>
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<td>c.</td>
<td>Include 100% of the lots in the subdivision served by the access road, including the Remainder.</td>
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<td>d.</td>
<td>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.</td>
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<td>e.</td>
<td>Provide a mechanism for new parcels to be added to the association.</td>
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(Public Works Recommendation; Section II.I, Road Improvement and Circulation Policy)

15. A Soils Report shall be submitted to the County Planning Department as required by Mariposa County Code Subdivision Ordinance, Section 16.20.220 and by Sections 66490 and 66491 of the Subdivision Map Act. The Soils Report shall be reviewed and approved by the County Engineer prior to final map recordation.

(Section 16.20.220, Mariposa County Code)

16. Verification of taxes paid shall be submitted to the County Surveyor prior to final map filing.

(Mariposa Planning Recommendation)

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<tr>
<th>CONDITIONS OF APPROVAL/CALIFORNIA DEPARTMENT OF FORESTRY &amp; FIRE PROTECTION</th>
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<td>17. Prior to filing of the final map, all applicable State Fire Safe Regulations shall be met, including construction of roadways, cul-de-sac turnarounds, road naming and signage. A letter shall be submitted to the County Surveyor by CalFire stating this condition has been met.</td>
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(Applicable Sections, Public Resources Code 4290)

18. 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.

(Public Resources Code §1273.05)

19. Prior to recordation of the final map, the applicant shall have

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complied with all applicable SRA Fire Safe Regulations. A letter shall be submitted to the County Surveyor from CalFire to confirm this requirement.

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

"Future residential development on Lots 1 through 8 as shown on the Final Map filed in Book of Maps at Page____, Mariposa County Records 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 CDF at the time of issuance of a residential building permit."

(If lots are merged following approval of the tentative map, the reference to lot numbers in this condition shall reflect that change.)

(CalFire Recommendation)

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<th>CONDITIONS OF APPROVAL / MARIPOSA PLANNING</th>
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<td>20. 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 in consultation with a representative of the American Indian Council of Mariposa County 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. Should any Native American artifact or human remains be discovered, a representative of the American Indian Planning</td>
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Mariposa Planning
Council of Mariposa County shall be on-site to monitor the remainder of excavation activities.

(Mariposa Planning Recommendation)

21. Prior to the commencement of any easement road construction activities, the project proponent shall obtain from the Regional Water Quality Control Board (RWQCB) a General Permit for Discharges of Storm Water Associated with Construction Activity, unless it can be shown to the satisfaction of the Mariposa County Planning Director through evidence submitted by a qualified person, such as a licensed land surveyor or registered civil engineer, that less than one acre of land will be disturbed to implement the project. A copy of the approved permit or evidence that a permit is not required shall be submitted to the Mariposa County Public Works Department by the project proponent prior to the pre-construction consultation meeting required in these conditions of approval. If a permit is required, all provisions and requirements of the permit shall be completed prior to filing of the final map. The proponent shall submit to the County Surveyor evidence that the permit requirements have been met to the satisfaction of the RWQCB.

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

22. The following condition shall apply if an existing residential structure located on Lot 1 will continue to receive water supply from the well located on Lot 3.

Based upon the existence of a habitable residential structure on Lot 1, which is connected to a well on Lot 3 for domestic water, one of the following conditions shall be met prior to filing of the final map:

a. A maintenance agreement shall be prepared and filed concurrently with the final map and referenced on the final map. The maintenance agreement shall provide for maintenance of the existing shared well and well improvements, and shall include Lot 1 and Lot 3. The maintenance agreement shall be developed by the applicant so Lots 1 and 3 are responsible for maintenance of the well and well improvements. If the water line from the well on Lot 3 to Lot 1 or other improvements cross Lot 2, the maintenance agreement shall also include Lot 2. The provisions shall be reviewed and approved by the Planning Director and the Health Department prior to recordation of the final map and shall:
   - Be in effect for the life of the project or until an additional well is developed on Lot 1 for the residential improvements on Lot 1.
- Provide for annual maintenance and the immediate correction of emergency and hazard situations.
- Include Lots 1, 2 (if necessary) and 3.
- Provide a mechanism to collect delinquent payments or assessments for the maintenance described above by filing a lien on the delinquent property.

In addition, an easement shall be shown on the Final Map on Lot 3 and the water line serving Lot 1. If water lines or other improvements for the well on Lot 3 cross Lot 2, easement(s) for such improvements shall be shown on the final map. The easement shall be made wide enough for vehicular access for maintenance purposes, and shall be designated for the use and benefit of the subject properties. The location and width of the easement shall be approved by the County Engineer. The maintenance agreement and easement may include termination provisions, should a well which is sufficient for domestic water use be drilled on Lot 1 at any time in the future.

-OR-

b. Prior to filing of the final map, an additional well which is sufficient for domestic water use as determined by the Mariposa County Health Department, shall be drilled on Lot 1 and connected to the existing residential structure on Lot 1. All connections from Lot 1 to the well on Lot 3 shall be permanently abandoned. A letter from the Mariposa County Health Department shall be submitted to the County Surveyor indicating that these provisions have been met.

(Mariposa Planning Recommendation)

23. An address shall be obtained from the Assessors Office for each existing residence which takes access from the newly named road(s) prior to filing of the final map.

(Planning Department Recommendation)

24. Project approval is valid for a period of three years from November 6, 2009. This approval shall expire on November 6, 2012.

§16.16.090, Mariposa County Subdivision Code

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

26. 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 ($1,933.00 as of January 1, 2009) and County Clerk fee ($50 as of January 1, 2008) shall be paid by the applicant within five (5) working days of the approval of the application (by Friday, November 13, 2009), because if the fee is not paid within 5 working days, and the Notice of Determination is not filed with the County Clerk prior to close of business on Friday, November 13, 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 (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)

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

“All residential buildings, including mobile homes placed on foundations on Lots 1 through 8 as shown on the Final Map filed in Book of Maps at Page _____, Mariposa County Records, shall be constructed in compliance with the special foundation requirements stated in the “Preliminary Soils Report” / “Soils Investigation Report” (insert appropriate report title) prepared for the subdivision and on file with the 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 “Preliminary Soils Report” / “Soils Investigation Report” (insert appropriate report title) prepared for the subdivision. The foundation requirements must be incorporated in the building plan and permit.”

(If lots are merged following approval of the tentative map, the reference to lot numbers in this condition shall reflect that change.)
<table>
<thead>
<tr>
<th>Resolution 2009-025; Major Subdivision Application No. 2007-089, Gustavo Gonzales, applicant</th>
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<tr>
<td>Page 14 of 25 pages</td>
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<tr>
<td>November 6, 2009</td>
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(Marijosa Planning Recommendation)

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.

Section 16.36.030, Mariposa County Subdivision Ordinance

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

(Marijosa Planning Recommendation)

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<th>CONDITIONS OF APPROVAL/ MARIPOSA COUNTY HEALTH DEPARTMENT</th>
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<td>30. Prior to recordation of the final map the applicant shall demonstrate to the satisfaction of the Mariposa County Health Department that the minimum required area for sewage disposal per Health Department Policy 03-01 is available for use on all lots adjacent to the areas tested. Tested areas shall not be located in any adopted setback area protecting biological resources and cultural resources.</td>
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(Health Department Recommendation; Health Department Policy 03-01)

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<th>31. A statement shall be recorded in Official Records concurrently</th>
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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) 1,2,3,4,5,6,7, & 8 as shown on the Final Map filed in Book of Maps 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. 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 1,2,3,4,5,6,7, & 8 as shown on the Final Map for ________, filed in Book of Maps 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 other than a 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 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 except for the minimum area square footage requirement of that policy."

(If lots are merged following approval of the tentative map, the reference to lot numbers in this condition shall reflect that change.)

(Health Department Recommendation; Health Dept. Policy 03-01)

32. Prior to recording the final map for the project soil profile holes and percolation tests shall be performed on Lot 1 meeting Health Department Policy 03-01 including but not limited to soil depth, percolation rate and available area. If the Health Department is not satisfied that the above testing meets this policy then Lot 1 shall be merged with an adjoining lot that has an area approved for sewage disposal by the Mariposa County Health Department.

(Health Department Recommendation; Health Dept. Policy 03-01)

33. Prior to recording the final map for the project the connection between the dwellings on Lot 1 and the leach field on Lot 6 shall be abandoned and a new leach field shall be installed in an approved area on Lot 1 or in the approved area on an adjoining lot if Lot 1 is merged with that lot.

(Health Department Recommendation; Health Dept. Policy 03-01)

34. Proof of water shall be provided on Lots 1 through 8 prior to recordation of the final map for this project. Proof of water shall be considered to be a well or wells of proven capacity. Proven capacity shall be a well or wells capable of producing one thousand gallons per twelve-hour day for each lot. Proof of production shall be an approved pump test of the well or wells certified by a licensed engineer, hydrogeologist, well driller with a C-57 license, or licensed well pump contractor. The minimum pump testing duration of the well or wells on each lot shall be the following: 3 hours for a well producing 10 gallons per minute (gpm) or more; 24 hours for a well producing 5 gpm to less than 10 gpm; and 3 days for a well producing less than 5 gpm. Additionally, a report of a completed well shall include a general mineral, physical and inorganic analysis as required under California Code of Regulations, Title 22, for non-transient, non-community water systems, and an analysis for coliform bacteria.
If any proposed lot shall have a well that fails to meet proof of production and proof of production cannot be met on that lot, the lot in question shall be merged with an adjacent lot and the merged lot 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 through 8 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)]

35. 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 through 8 as shown on the Final Map filed in Book of Maps 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 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."
(If lots are merged following approval of the tentative map, the reference to lot numbers in this condition shall reflect that change.)

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

36. All Health Department fees shall be paid prior to filing of the final map.

(Health Department Recommendation)

37. The project applicant shall obtain a burn permit from the Mariposa County Air Pollution Control District if any brush or other vegetation is disposed of by burning.

Mariposa County Air Pollution Control District

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<tr>
<th>CEQA MITIGATION MEASURES</th>
<th>Mariposa Planning</th>
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| 38. An open space setback of twenty-five (25) feet from the centerline of the drainage on Lot 5, and from fifty (50) to one-hundred (100) feet from the centerline of the drainage on lots 6 and 7, which is designed to protect the riparian corridor, jurisdictional waters, native plants, and listed species habitat, shall be established and shown on the final map. The width of the setback in the area identified as “Perennial Pools and Wetland in Stream” on the Biological Resources Map included in the Biological Resources Report for the subdivision project dated August, 2008 can be variable in accordance with that map, but shall not exceed one-hundred (100) feet in width from the centerline. A statement shall be recorded in Official Records concurrently with the final map and referenced on the final map as follows: |

"There is an open space setback of twenty five (25) feet from the centerline of the drainage on Lot 5, and from fifty (50) to one-hundred (100) from the centerline on lots 6 and 7 as shown on the final map filed in Book of Maps at Page _____, Mariposa County Records. No structure or improvement shall be constructed within the open space setback except as provided below. A well or wells, water pipes, underground and above ground power lines, fencing, the subdivision access road and turnaround as shown on the approved tentative map, residential driveways and other similar structures or improvements may be constructed within the open space setback subject to approval by the Planning Director. Consultation with a qualified biological consultant, whose services shall be paid for by the property owner, may be required by the Planning Director in order to make a determination. No removal of vegetation shall be allowed within the open space setback, except as determined necessary by CalFire, and except as needed to implement the
uses described in this and the following paragraph. No grading shall be allowed within the setback, except as needed to implement the uses described in this and the following paragraph.

Residential driveway construction encroaching into the setback area of or crossing the drainage on these lots may be subject to a Streambed Alteration Agreement (SAA) with the California Department of Fish and Game. Prior to any grading or construction activities occurring within this setback area, the owners of said lots shall contact the California Department of Fish and Game to determine if a State Fish and Game Code Section 1602 Streambed Alteration Notification is required. If required, the owner shall submit the notification and comply with all applicable requirements of Section 1600 et seq. of the State Fish and Game Code."

(If lots are merged following approval of the tentative map, the reference to lot numbers in this condition shall reflect that change.)

(Mitigation Measure 4.1a.1)

39. Prior to the commencement of any easement road improvements, road construction or other easement road building activities required as a condition of approval for this project, the applicant shall contact the California Department of Fish and Game to determine if a State Fish and Game Code Section 1602 Streambed Alteration Notification is required. If required, the applicant shall submit the notification and comply with all applicable requirements of Section 1600 et seq. of the State Fish and Game Code. A copy of the Stream Alteration Agreement or evidence that such an Agreement is not required shall be submitted to the Mariposa County Public Works Department prior to the onsite consultation meeting required as a condition of approval for the project. If an Agreement is required, all provisions and requirements of the Agreement shall be completed prior to the filing of the final map. The applicant shall submit to the County Surveyor evidence that all Agreement requirements have been met to the satisfaction of the Department of Fish and Game.

Prior to initiation of any of the activities listed above, the project applicant shall obtain any required permitting pursuant to Section 404 of the Clean Water Act from the United States Army Corps of Engineers and, if such permitting is required, a Section 401 Water Quality Certification from the Regional Water Quality Control Board – Central Valley Region. The project proponent shall provide a copy of the permit and certification to the Mariposa County Public Works Department prior to initiation of grading activities. If such
permitting is required all provisions of the Section 404 permit and Section 401 water quality certification shall be completed prior to the filing of the final map. The applicant shall submit to the County Surveyor evidence that all permit and certification requirements have been met to the satisfaction of applicable agencies (including evidence that Section 401 / 404 permits are not required, should that be the case).

(Mitigation Measure 4.b.1)

40. Any tree removal or pruning that is necessary to implement the project’s conditions of approval relating to easement road construction 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. A copy of the survey shall be submitted to the California Department of Fish and Game, Region 4. 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 in consultation with the California Department of Fish and Game 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/pruning on the site.

(Mitigation Measure 4.d.1)

41. An open space setback of 15 meters surrounding prehistoric site no. P-22-002908 shall be established and shown on the final map for the property. A document shall be recorded and referenced on the final map stating that no grading or construction shall occur within the perimeter of the setback area. The note shall also state that any subsurface disturbance within a 30-meter area surrounding the open space setback shall include monitoring by a qualified cultural resources professional for evaluation and a data recovery plan shall be in place prior to excavation. The data recovery plan shall include a memorandum of agreement between the qualified professional and the affected tribe. In lieu of establishing this setback on the final map, the project applicant may hire a qualified cultural resources professional to implement a data recovery plan for artifacts found in accordance with established protocol or implement other mitigation as recommended by the qualified cultural resources professional. If alternative measures are implemented the project applicant shall
provide written verification from the qualified professional that establishment of the setback is not necessary prior to filing the final map. If alternative measures are implemented they shall not apply to the bedrock milling features which shall remain protected by open space setbacks of 10 meters. If the setbacks for the milling features would be located entirely within the open space setback for the drainage/wetland area, establishment of the setbacks for the milling features on the final map would not be required.

(Mitigation Measure 5.a.1)

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**RECOMMENDATION ON OFFERS OF DEDICATION**

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<tr>
<th>Staff recommends that the Planning Commission recommend that the Public Works Director accept the offer of dedication for public utilities.</th>
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Mariposa Planning Recommendation

| Public Works |   |
**EXHIBIT 3**

**MITIGATION MONITORING FOR**

**Major Subdivision Application No. 2007-089**

<table>
<thead>
<tr>
<th>Mitigation Measure No.</th>
<th>Mitigation Measure</th>
<th>Mitigation Monitoring</th>
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<tbody>
<tr>
<td>4.a.1</td>
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<td>“There is an open space setback of twenty five (25) feet from the centerline of the drainage on Lot 5, and from fifty (50) to one-hundred (100) from the centerline on lots 6 and 7 as shown on the final map filed in Book of Maps at Page _____, Mariposa County Records. No structure or improvement shall be constructed within the open space setback except as provided below. A well or wells, water pipes, underground and above ground power lines, fencing, the subdivision access road and turnaround as shown on the approved tentative map, residential driveways and other similar structures or improvements may be constructed within the open space setback subject to approval by the Planning Director. Consultation with a qualified biological consultant, whose services shall be paid for by the property owner, may be required by the Planning Director in order to make a</td>
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<td></td>
<td>This mitigation measure will be monitored by the Mariposa County Surveyor and the Mariposa County Planning Department through the final map filing process.</td>
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</table>
determination. No removal of vegetation shall be allowed within the open space setback, except as determined necessary by CalFire, and except as needed to implement the uses described in this and the following paragraph. No grading shall be allowed within the setback, except as needed to implement the uses described in this and the following paragraph.

Residential driveway construction encroaching into the setback area of or crossing the drainage on these lots may be subject to a Streambed Alteration Agreement (SAA) with the California Department of Fish and Game. Prior to any grading or construction activities occurring within this setback area, the owners of said lots shall contact the California Department of Fish and Game to determine if a State Fish and Game Code Section 1602 Streambed Alteration Notification is required. If required, the owner shall submit the notification and comply with all applicable requirements of Section 1600 et seq. of the State Fish and Game Code."

| 4.b.1 | Prior to the commencement of any easement road improvements, road construction or other easement road building activities required as a condition of approval for this project, the applicant shall contact the California Department of Fish and Game to determine if a State Fish and Game Code Section 1602 Streambed Alteration Notification is required. If required, the applicant shall submit the notification and comply with all applicable requirements of Section 1600 et seq. of the State Fish and Game Code. A copy of the Stream Alteration Agreement or evidence that such an Agreement is not required shall be submitted to the Mariposa County Public Works Department prior to the onsite consultation meeting required as a condition of approval for the project. If an Agreement is required, all provisions and requirements of the Agreement shall be completed prior to the filing of the final map. The applicant shall submit to the County Surveyor evidence that all Agreement requirements have been met to the satisfaction of the Department of Fish and Game.

Prior to initiation of any of the activities listed above, the project applicant shall obtain any required... |

This mitigation measure will be monitored by the Mariposa County Public Works Department through the project road construction permitting process and the Mariposa County Surveyor through the final map filing process.
permitting pursuant to Section 404 of the Clean Water Act from the United States Army Corps of Engineers and, if such permitting is required, a Section 401 Water Quality Certification from the Regional Water Quality Control Board – Central Valley Region. The project proponent shall provide a copy of the permit and certification to the Mariposa County Public Works Department prior to initiation of grading activities. If such permitting is required all provisions of the Section 404 permit and Section 401 water quality certification shall be completed prior to the filing of the final map. The applicant shall submit to the County Surveyor evidence that all permit and certification requirements have been met to the satisfaction of applicable agencies (including evidence that Section 401 / 404 permits are not required, should that be the case).

| 4.d.1 | Any tree removal or pruning that is necessary to implement the project’s conditions of approval relating to easement road construction 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. A copy of the survey shall be submitted to the California Department of Fish and Game, Region 4. 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 in consultation with the California Department of Fish and Game 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/pruning on the site. |

| 5.a.1 | An open space setback of 15 meters surrounding prehistoric site no. P-22-002908 shall be established and shown on the final map for the property. A document shall be recorded and referenced on the final map stating that no grading or construction shall occur within the perimeter of the setback area. The note shall also state that any subsurface disturbance within a 30-meter area surrounding the open | This mitigation measure will be monitored by the Mariposa County Planning Department through the project construction permitting process. |
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