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

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution
No. 2006-004 A resolution conditionally approving Land Division Application 2006-200, Craig and Kim Hoen Ekdall, applicants. Assessor Parcel Number 003-160-034

WHEREAS an application for Land Division Application 2006-200 was received on June 6, 2006 from Craig and Kim Hoen Ekdall for a property located at 6365 Lone Oak Drive, also known as Assessor Parcel Number 003-160-034; and

WHEREAS Land Division Application No. 2006-200 proposes the division of a 31.86 acre parcel into one parcel and a remainder, Parcel A of 5.00 acres, and a Remainder of 26.86 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 February 8, 2008; 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 Planning Commission did hold a public hearing on the noticed date and considered all of the information in the public record, including the Initial Study and Staff Report, testimony presented by the public concerning the application, and the comments of the applicant.

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

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby approve Land Division Application 2006-200.

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

ON MOTION BY Commissioner Ross, seconded by Commissioner Rudzik, this resolution is duly passed and adopted this [date] by the following vote:
AYES: Ross, Rudzik, Skyrud, Francisco, DeSantis

NOES: None

EXCUSED: None

ABSTAIN: None

Skip Skyrud, Chair
Mariposa County Planning Commission

Attest:

Carol Suggs, Secretary to the
Mariposa County Planning Commission

Revised: March 17, 2004
EXHIBIT 1
PROJECT FINDINGS
FOR
Land Division Application No. 2006-200

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

EVIDENCE: Based on site inspection, existing issued development permits, and the proposed division of the existing parcel into one parcel of 5.00 acres, the site is physically suited for low-density homes and appurtenant improvements such as septic systems. The proposed project is located within the Mountain Home zone and the Mountain Home Land Use. The subdivision density is designed in accordance with the Mountain Home zone and the Mountain Home Land use.

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, it would have a less than significant effect on the environment with mitigation. The land is currently and will continue to be used primarily for residential purposes. The project may have an adverse impact on wildlife resources and potential habitat areas, and is therefore subject to the California Department of Fish and Game filing fees of ($1,876.75) for a mitigated negative declaration as required by AB 3158 and Senate Bill 1535 and a County Clerk fee of ($50).

3. FINDING: The design of the subdivision or the proposed improvements is not likely to cause serious public health problems.
EVIDENCE: This land division and its subsequent use for low-density residential purposes are not likely to cause serious health problems. Future residential uses will be required to comply with all Building Code regulations and Health Department standards for the proper installation of wells and sewage disposal systems. The proper location and implementation of these improvements will ensure that serious health problems will not occur on the site. All future residential uses will be required to comply with the State Fire Safe Standards as mandated by California Public Resource Code Sections 4290 and 4291, which will eliminate any potential health and safety issues related to fire protection.

4. FINDING: The proposed map is consistent with applicable general (Mariposa County General Plan, 1981) and specific plans as specified in Government Code Section 65451.

EVIDENCE: This project was submitted on June 6, 2006. On July 6, 2006, this application was deemed complete for processing pursuant to Government Code Section 65943. Consequently, this project has been processed in accordance with the 1981 Mariposa County General Plan. The land division is the initial step in the process to help accomplish the General Plan’s Housing Element overall goal to “...provide an adequate supply of sound, affordable housing units in a safe and satisfying environment for the present and future residents of the County...” The land division satisfies the following Housing Element Policy: “to ensure that there are adequate sites and facilities available to support future housing needs.” 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 parcel size, minimum density, and building intensity proposed by the project is consistent with standards contained in the Mountain Home Land use of the General Plan and the Mountain Home zone of the Zoning Ordinance. The land division’s design complies with the County Subdivision Ordinance’s maximum 4:1 length to width ratio for parcel configuration. The project site is not in an area governed by any special, specific, community or area Plan at this time.

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
FOR
Land Division Application 2006-200

Project Name: Craig and Kim Hoen Ekdall  
File Number: LDA No. 2006-200

The following conditions of approval were approved for this project in order to ensure compliance with county codes and policies. A completed and signed checklist indicates that the conditions have been complied with and implemented.

### Sign-Off Checklist for Conditions of Approval

<table>
<thead>
<tr>
<th>CONDITIONS OF APPROVAL / PUBLIC WORKS DEPARTMENT</th>
<th>MONITORING DEPARTMENT</th>
<th>VERIFIED IMPLEMENTED</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. A dedication of 30 feet from the centerline of Dexter Road shall be offered to the County of Mariposa. The offer of dedication shall be non-revocable and specifically state on the parcel map that the dedication is for &quot;public road and public utility purposes.&quot; The location and width of the offer of dedication shall be approved by the County Engineer.</td>
<td>PUBLIC WORKS</td>
<td></td>
</tr>
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[SECTION 16.12.150, COUNTY SUBDIVISION ORDINANCE; SECTION II.A.#, ROAD IMPROVEMENT AND CIRCULATION POLICY.]

| 2. A Verification of Taxes Paid Form, acquired no sooner than 30-days prior to the recordation of the parcel map, shall be submitted to the County Surveyor. | PUBLIC WORKS | |

[COUNTY SUBDIVISION ORDINANCE SECTION 16.12.395]

Revised: March 17, 2004
3. A declaration shall be recorded concurrently with and referenced on the parcel map stating:

"Future subdivisions of the Remainder as shown on the Parcel Map for ______, filed in Book____ of Parcel Maps at Page _____, Mariposa County Records, will require that all parcels be served by a road, or roads, constructed to the Road Improvement and Circulation Policy and County Improvement Standards applicable at the time of the future subdivision, leading from Dexter Road to each parcel and specifically including Pine Lake and Lone Oak Drive where it crosses Bean Creek."

(Planning Staff Recommendation)

<table>
<thead>
<tr>
<th>CONDITION OF APPROVAL / MARIPOSA PLANNING</th>
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<tr>
<td>4. Project approval is valid for a period of three years from February 8, 2008. This approval shall expire on February 8, 2011.</td>
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</table>

[MARIPOSA COUNTY SUBDIVISION CODE SECTION 16.12.430]
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.

[COUNTY ORDINANCE NO. 1017]

| 6. Prior to recordation of the parcel 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 ($1,876.75 as of 1/1/08) and the County Clerk fee ($50.00 as of 1/1/08) shall be paid by the applicant within five (5) working days of the approval of the application (by Friday, February 15, 2008), because if the fee is not paid within 5 working days, and the Notice of Determination is not filed with the County Clerk prior to close of business on Friday, February 15, 2008 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 $1,926.75 (effective 1/1/08), and that it be in the form of a cashier’s check or money order payable to “Mariposa County;” The County Clerk will not accept a personal check for these fees. Submit the check to Mariposa Planning to file this fee and other required documents with the County Clerk.

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

§16.12.390, Mariposa County Subdivision Code; 711.4(c) of the State Fish and Game code

| 7. A declaration shall be recorded with the parcel map and shall be referenced on the parcel map:

“A Certificate of Compliance must be obtained prior to issuance of a development permit on the designated remainder in accordance with Section 16.04.030 of Mariposa County Code. All fees

| MARIPOSA PLANNING

| Revised: March 17, 2004
associated with the Certificate of Compliance are the responsibility of the applicant."

(Section 16.04.030, County Subdivision Ordinance)

<table>
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<tr>
<th>8. A declaration shall be recorded concurrently with and referenced on the parcel map stating:</th>
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<tr>
<td>&quot;There shall be no county development permit (including, but not limited to a well permit, a septic permit, an electrical permit, a grading permit, and/or a structure permit) issued to the remainder as shown on the Parcel Map for ________, filed in Book ___ of Parcel Maps at Page _____, Mariposa County Records, until all of the subdivision conditions for the remainder as established by the Planning Commission have been met. The remainder is not a parcel available for sale, lease or finance until all of the subdivision conditions for the remainder have been met. The remainder may or may not be surveyed.&quot;</td>
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</table>

(Planning Department Recommendation)

| 9. The remainder shall be shown on the parcel map OR a legal description of the remainder shall be provided to Mariposa Planning for the Certificate of Compliance. The legal description shall be prepared and stamped by a licensed land surveyor or other appropriately qualified individual. |

(Planning Staff Recommendation)

<table>
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<tr>
<th>CONDITION OF APPROVAL/ HEALTH DEPARTMENT</th>
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<tr>
<td>10. Percolation tests and soils analysis tests shall be performed on Parcel A in accordance with Health Department rules and regulations. The results of these tests shall be submitted to the Mariposa County Health Department and be approved by the County R.E.H.S. prior to recordation of the parcel map. A letter from the County R.E.H.S. shall be submitted to the County Surveyor stating that approved percolation tests and soils analysis tests have been performed on the parcels. A statement shall be recorded in Official Records concurrently with the parcel map and referenced on the parcel map as follows:</td>
</tr>
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"Approved percolation tests and soils analysis tests have been performed on Parcel A as shown on the Parcel Map for ______, recorded in Book ____ of Parcel Maps at Page ____ , Mariposa County |

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Records, to verify the feasibility of installing an on-site septic disposal system. A map identifying the location of the approved percolation tests is on file in the County Health Department. If an on-site septic system is proposed for a portion of a parcel that has not had approved percolation tests, additional percolation tests and design recommendations may be required."

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

**CONDITION OF APPROVAL**

**CALIFORNIA DEPARTMENT OF FOREST AND FIRE PROTECTION**

11. Prior to filing of the parcel map, all applicable State Fire Safe Regulations shall be met. A letter shall be submitted to the County Surveyor by CDF stating this condition has been met.

(California Public Resource Code)

**CEQA MITIGATION MEASURES**

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<tr>
<th>MONITORING DEPARTMENT</th>
<th>VERIFIED IMPLEMENTED</th>
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<tr>
<td>CAL Fire</td>
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12. 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 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; Planning Staff Recommendation
13. A drainage setback shall be established and shown on Parcel A on the Parcel map for the creek that runs through Parcel A. The width of the setback shall be 50 feet from the centerline on each side of the creek, to protect native plants and amphibians and prevent soil erosion. A statement shall be filed in Official Records concurrently with the parcel map and referenced on the parcel map as follows:

"No structure shall be constructed within the open space setback as shown on the Parcel Map for _______ filed in Book ___ at Page____ , Mariposa County Records. No portions of a sewage disposal system shall be constructed within the open space setback. No grading shall be allowed within the setback, except that which is necessary for access to building sites or the maintenance or improvements of County Maintained Roads. A well or wells, water pipes, underground and above ground power lines, fencing, and other similar structures or improvements may also be constructed within the open space setback subject to approval by the Planning Director. This setback shall be in perpetuity and shall restrict the use of the land within the setback."

Mitigation Measure

<table>
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<tr>
<th>REMAINDER CONDITIONS</th>
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<tr>
<td>Monitoring Department</td>
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1. Pine Lake Drive from Dexter Road to Lone Oak Drive and Lone Oak Drive from Pine Lake Drive to the property line of the Remainder shall be improved to a Rural Class I standard and shall meet this standard prior to the recordation of the Certificate of Compliance, however no improvements to the crossing of Pine Lake Road and Lone Oak Drive over Bean Creek shall be required except for grading and graveling of the existing road surface. 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 prior to the recordation of the Certificate of Compliance. The County Engineer may require engineered improvement plans prepared by a Registered Civil Engineer for any improvement required as a condition of approval for a Certificate of Compliance. If engineered improvements 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.)

2. A cul-de-sac shall be constructed on-site at the terminus of the required road improvements (Lone Oak Drive). The cul-de-sac shall be improved to meet county standards and shall meet this standard at the time of application for a Certificate of Compliance. 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 application for a Certificate of Compliance. 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 Certificate of Compliance, the County Surveyor shall confirm that this condition has been met.
3. 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 permits for the required improvements, a consultation meeting with the Public Works Department, the applicant, and the agent shall occur. This meeting shall be conducted on-site. This consultation meeting shall be setup by the applicant and/or agent. Any and all costs associated with the consultation shall be the responsibility of the applicant. The County Engineer shall verify that this condition has been met prior to issuance of any road improvement or encroachment permit required for this project and prior to the scheduling of any on-site inspection of road improvements.

Public Works Recommendation

4. All grading and road improvement work required as a condition of approval for 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 for a Certificate of Compliance. 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

5. The entire boundary of the edge of the off-site easements (for Lone Oak Drive and Pine Lake Drive) shall be staked in the field by the project surveyor prior to the on-site consultation meeting described in Condition No. 3. The staking of the edge of the easements 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 easement.

(Planning Department recommendation)
6. 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 Natural Resource Conservation Service/Resource Conservation District (NRCS/RCD). The applicant shall also contact NRCS/RCD for an inspection. Inspection fees shall be the responsibility of the applicant. A letter shall be submitted to the County Surveyor by NRCS/RCD stating that the re-vegetation and erosion control provisions have been completed.

Public Works Recommendation

7. All cut and fill areas required for the construction of the improvements to Pine Lake Drive and Lone Oak Drive shall be included within 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

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

Public Works Recommendation

9. A stop sign shall be placed at the intersection of Lone Oak Drive and Pine Lake Drive. The stop sign shall be installed on metal breakaway type posts prior to recordation of the Certificate of Compliance. The design and placement of signs shall be approved by the County Engineer prior to installation.

Public Works Recommendation
10. A road name sign for Lone Oak Drive shall be placed at the intersection of the Lone Oak Drive and Pine Lake Drive prior to the recording of the Certificate of Compliance. The design and specifications of the sign shall be in accordance with the Mariposa County Improvement Standards and shall be approved by the County Engineer prior to installation.

(Section 16.12.175, County Subdivision Ordinance)

11. A road maintenance association shall be formed for the maintenance of the easement road. Maintenance shall include, but not be limited to, drainage and erosion control devices, fuel modification, and upkeep of road surfaces. The Road Maintenance Association provisions shall be developed by the applicant so those 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 the recording of the Certificate of Compliance and shall:

a. Be in effect for a period of not less than thirty (30) years unless said maintenance is taken over by the County, a special district, or other governmental entity.

b. Provide for annual maintenance and the immediate correction of emergency and hazard situations.

c. Include 100% of the parcels in the subdivision served by the access road.

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 with the power of sale.

e. Provide a mechanism for new parcels to be added to the association.

-or-

If an existing Road Maintenance Association (RMA) that performs these same functions exists, and if additional parcels can join the existing RMA, this shall be an acceptable alternative for meeting
this condition.

(Public Works Recommendation)

12. An encroachment permit shall be obtained from Public Works prior to any work being done on or adjacent to Dexter Road. 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. All encroachment improvements shall be completed as required by Public Works. All encroachment permit requirements shall be completed to the satisfaction of Public Works by the applicant prior to recordation of a Certificate of Compliance.

Chapter 11, County Improvement Standards

13. Lone Oak Drive and Pine Lake Drive from the intersection of Dexter Road to the remainder must meet the minimum SRA standard of two nine-foot travel lanes with supporting shoulders and any other applicable SRA requirements, however no improvements to the crossing of Pine Lake Road and Lone Oak Drive over Bean Creek shall be required except for grading and graveling of the existing road surface. A letter shall be submitted to the Planning Department by Cal Fire stating this condition has been met; prior to the recordation of the Certificate of Compliance.
14. The applicant shall submit an application for a Certificate of Compliance for the remainder. Upon completion of all conditions applied to the remainder by the Planning Commission, a Certificate of Compliance shall be recorded on the remainder, in accordance with Section 16.04.030, County Subdivision Ordinance. Fees associated with the application and with the recordation of the certificate of compliance shall be paid by the applicant.

Planning Staff Recommendation

RECOMMENDATION ON OFFERS OF DEDICATION

Staff recommends that the Planning Commission recommend that the Public Works Director accept the offer of dedication for public access and utilities but reject the offer of dedication for public maintenance for the onsite easement road.

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

Mariposa Planning Recommendation

Agency Contact List

<table>
<thead>
<tr>
<th>AGENCY</th>
<th>CONTACT</th>
<th>PHONE NUMBER</th>
<th>EMAIL</th>
<th>SITE ADDRESS</th>
<th>MAILING ADDRESS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mariposa Planning</td>
<td>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>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Mariposa CA 95338</td>
<td>Mariposa CA 95338</td>
</tr>
<tr>
<td>Public Works</td>
<td>Jerry Freeman</td>
<td>209-966-5356</td>
<td></td>
<td>4639 Ben Hur Road</td>
<td>Same as site</td>
</tr>
<tr>
<td></td>
<td></td>
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<td>Mariposa CA 95338</td>
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Revised: March 17, 2004
<table>
<thead>
<tr>
<th>Health Department</th>
<th>Name</th>
<th>Phone</th>
<th>Address</th>
<th>P.O. Box</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mariposa County Resource</td>
<td>Dave Conway</td>
<td>209-966-2220</td>
<td>5100 Bullion Street</td>
<td>P.O. Box 5</td>
</tr>
<tr>
<td>Conservation District</td>
<td></td>
<td></td>
<td>Mariposa CA 95338</td>
<td>Mariposa CA 95338</td>
</tr>
<tr>
<td>Mariposa County Resource</td>
<td>Jerry Progner</td>
<td>209-966-3431</td>
<td>5009 Fairgrounda Rd</td>
<td>P.O. Box 746</td>
</tr>
<tr>
<td>Conservation District</td>
<td></td>
<td></td>
<td>Mariposa CA 95338</td>
<td>Mariposa CA 95338</td>
</tr>
<tr>
<td>County Assessor</td>
<td>Sarah Wise</td>
<td>966-2332</td>
<td>4082 10th Street</td>
<td>P.O. Box 35</td>
</tr>
<tr>
<td></td>
<td></td>
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<td>Mariposa CA 95338</td>
<td>Mariposa CA 95338</td>
</tr>
<tr>
<td>County Fire</td>
<td>Jim Wilson</td>
<td>209-966-4330</td>
<td>5082 Bullion Street</td>
<td>P.O. Box 162</td>
</tr>
<tr>
<td></td>
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<td>Mariposa CA 95338</td>
<td>Mariposa CA 95338</td>
</tr>
<tr>
<td>Cal. Dept of Forestry</td>
<td>Paul Alvarez</td>
<td>209-966-3622</td>
<td>5366 Highway 49 North</td>
<td>Same as site</td>
</tr>
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<td>Mariposa CA 95338</td>
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**Certificate of Completion:**

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

__________________________________________  __________________________________________
Environmental Coordinator                   Date

**Explanation of Headings:**

- **Monitoring Dept:** Department or Agency responsible for monitoring a particular mitigation measure.
- **Verified Implemented:** When a mitigation measure has been implemented, this column will be initialed and dated.

Revised: March 17, 2004