STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution
No. 2008-010

A resolution conditionally approving Land Division Application
Assessor Parcel Number 004-250-034

WHEREAS an application for Land Division Application 2007-003 was received on January
4, 2007 from Richard Porter and Janice May McGuire for a property located at 10790
Shetland Lane, also known as Assessor Parcel Number 004-250-034; and

WHEREAS Land Division Application No. 2007-003 proposes the division of a 20.02 acre
parcel into two parcels, Parcel A of 8.28 acres, and Parcel B of 11.74 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 April 18, 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 based upon the applicant’s request, the Planning Commission continued the
public hearing until the 2\textsuperscript{nd} day of May 2008; and

WHEREAS the Planning Commission did hold a public hearing on the continued 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 2007-003.

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 Francisco, this resolution
is duly passed and adopted this 2\textsuperscript{nd} day of May 2008 by the following vote:
AYES: Ross, Francisco, DeSantis, Rudzik, and Skyrud

NOES: None

EXCUSED: None

ABSTAIN: None

-------------------------------------------------------------------------

Skip Skyrud, Chair
Mariposa County Planning Commission

Attest:

Carol Suggs, Secretary to the
Mariposa County Planning Commission
EXHIBIT 1
PROJECT FINDINGS
FOR
Land Division Application No. 2007-003

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 two parcels of 8.28 acres and 11.74 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 Residential Land Use. The subdivision density is designed in accordance with the Mountain Home zone and the Residential 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 for a mitigated negative declaration as required by AB 3158 and Senate Bill 1535 and County Clerk fees.

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, 2006) and specific plans as specified in Government Code Section 65451.

EVIDENCE: The land division is the initial step in the process to help accomplish the General Plan’s Housing Element overall goal to “Provide opportunities for an adequate supply of sound, affordable housing units for ownership and for rent in a safe and satisfying environment for the present and future residents of the County.” The land division satisfies the following Housing Element Objectives, including: “Provide Adequate Sites and Services”. There is no specific plan governing this property.

Based upon input from the Mariposa County Public Works Department, Holtzel Road in the vicinity of the project site is maintained and has adequate capacity for the potential traffic volume generated by the total number of existing lots and those which are proposed by the project.

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 Residential 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 2007-003

Project Name: Richard Porter & Janice McGuire   File Number: LDA No. 2007-003

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. The on-site easement to the cul-de-sac shall be made a minimum of 50 feet wide and non-exclusive. A cul-de-sac easement with a radius of 50 feet shall be provided to encompass the required road improvements, including turnouts and associated cuts and fills, in accordance with the County Improvement Standards and Road Improvement and Circulation Policy. The easements shall be re-offered for dedication to the County of Mariposa. The offers of dedication shall be non-revocable and specifically state on the parcel map that the dedications are for “public road and utility purposes.”</td>
<td>PUBLIC WORKS</td>
<td></td>
</tr>
<tr>
<td>2. The easement from Holtzel Road to the southeast corner of APN 004-250-019 shall be improved to a Rural Class II SRA “A” standard</td>
<td>PUBLIC WORKS</td>
<td></td>
</tr>
</tbody>
</table>

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and the easement from the southeast corner of APN 004-250-019 to the cul-de-sac shall be improved to a Rural Class I SRA "A" standard and shall meet these standards at the time of parcel map filing. 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 parcel map. The County Engineer may require engineered improvement plans prepared by a Registered Civil Engineer for any improvements required as a condition of approval for this project. If engineered improvement plans are required, the plans shall be approved by the County Engineer prior to commencement of construction work on the required road improvements.


3. A cul-de-sac shall be constructed on-site at the terminus of the required road improvements (Shetland Lane). The cul-de-sac shall be improved to meet county standards and shall meet this standard at the time of parcel 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 prior to filing 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 filing of the map, the County Surveyor shall confirm that this condition has been met.

Public Work Recommendation

4. An encroachment permit shall be obtained from Public Works prior to any work being done on or adjacent to Holtzel 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 filing of the parcel map.

Chapter 11, County Improvement Standards

5. 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

6. 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

7. 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 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.

Public Works Recommendation

8. All cut and fill areas required for the construction of the improvements to Shetland Lane shall be included within the existing access and utility easement pursuant to the County Improvement Standards.

Public Works Recommendation

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

Public Works Recommendation

10. A stop sign shall be placed at the intersection of Shetland Lane and Holtzel Road. The stop sign shall be installed on metal breakaway type posts prior to map filing. The design and placement of signs shall be approved by the County Engineer prior to installation.

Public Works Recommendation

11. A road name sign for Shetland Lane shall be placed at the intersection of Shetland Lane and Holtzel Road prior to map filing. 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)

12. A sign stating "THIS ROAD IS NOT COUNTY MAINTAINED" shall be installed at the intersection of Holtzel Road and Shetland.

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Lane prior to map filing. The design and specifications of the sign shall be in accordance with the County Improvement Standards and shall be approved by the County Engineer prior to installation.

[Section 16.12.175, County Subdivision Ordinance]

13. 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 that 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 filing of the map and shall:

   a. Be in effect for the life of the project unless said maintenance is taken over by the County, a special district, or other governmental entity.

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

   c. Include 100% of the 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.

   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. Evidence shall be submitted to the County Surveyor to verify that the parcels are legally joined to the existing RMA to satisfy this alternative.
14. A Verification of Taxes Paid Form, acquired no sooner than 30-days prior to the filing of the parcel map, shall be submitted to the County Surveyor. [COUNTY SUBDIVISION ORDINANCE SECTION 16.12.395]

15. Project approval is valid for a period of three years from May 2, 2008. This approval shall expire on May 2, 2011.

[MARIPOSA COUNTY SUBDIVISION CODE SECTION 16.12.430]

16. The Property 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

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project action. Non-compliance with this condition may result in revocation of project approval by the county.

[COUNTY ORDINANCE NO. 1017]

17. Prior to filing 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, May 9, 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, May 9, 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(e) of the State Fish and Game code

**CONDITION OF APPROVAL/ HEALTH DEPARTMENT**

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

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If the results of the soil profile holes do not demonstrate to the approval of the County Environmental Health Specialist that a conventional septic system can be installed on the parcel, percolation tests and additional soils analysis tests shall be performed on the parcel in accordance with Health Department rules and regulations. The results of these tests shall be submitted to the Mariposa County Health Department and be approved by the County Environmental Health Specialist prior to recordation of the parcel-final map. A letter from the County Environmental Health Specialist shall be submitted to the County Surveyor stating that approved percolation tests and soils analysis tests have been performed on the parcel(s). If the Health Department approves the use of Standard Septic Systems then a statement shall be recorded in Official Records concurrently with the parcel-final map and referenced on the parcel-final map as follows:

“Approved percolation tests and soils analysis tests have been performed on Parcels _____ as shown on the Parcel Map for _____, recorded in Book _____ of Parcel Maps at Page ___. Mariposa County 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 an approved percolation tests, additional percolation tests and design recommendations may be required.”

If the Health Department approves the report based on the use of special design or engineered septic system then a statement shall be recorded in Official Records concurrently with the parcel-final map and referenced on the parcel-final map as follows:

“Percolation tests and soils analysis tests show that conventional on-site sewage disposal systems cannot be constructed on Parcel A as shown on the Parcel 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. The State of California is in the process of developing Statewide on-site sewage disposal regulations that could affect the future installation of engineered, alternative design on-site sewage disposal systems; therefore, buyers are encouraged to check with the Mariposa County Health Department regarding State or local...
regulation changes that could affect the installation of an on-site sewage disposal system on this parcel.

Additionally, if the Health Department approves the report based on the use of a special design or engineered septic system a notice shall be filed concurrently with the parcel map and referenced on the parcel map which states:

"The property described as Parcel A as shown on the Parcel Map for __________, filed in Book ____ at Page _____, Mariposa County Records, is required to be served by an alternative design on-site sewage disposal system which is to be installed in the exact area tested and approved by the Health Department unless the Health Department approves an alternate location as described below. Construction plans for the alternative design on-site sewage disposal system must be submitted to and approved by the Mariposa County Health Department prior to the issuance of a development permit for any construction activities other than a private well. A map showing the approved location and a report including percolation test and soil profile analysis results is on file at the Mariposa County Health Department. The alternative design on-site sewage disposal system is to be maintained in accordance with Mariposa County Health Department Policy 03-01 which states, "A maintenance entity shall be required prior to approval and installation of a special design sewage disposal system on a land division. In lieu of a public entity, an operation and maintenance protocol may be submitted for approval by the manufacturer of a specific technology." Said maintenance entity shall be created to provide maintenance on the engineered sewage disposal systems prior to issuance of a development permit for residential construction activities other than a private well.

In the event that additional soils testing is conducted demonstrating that an alternative design on-site sewage disposal system is not necessary, the Mariposa County Health Department may allow the use of a conventional on-site sewage disposal system in the newly tested area. Any newly tested area requiring the use of an engineered alternative design on-site sewage disposal system must meet the same minimum soils requirements of Health Department policy 03-01 as a newly created parcel."

(Health Department Recommendation)
19. Prior to recordation of the parcel map, the applicant shall prove to the satisfaction of the Health Department that Parcel A has a supply of potable water meeting requirements for quantity and quality. Proof is as follows:

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

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

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

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

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

Additionally, if the property is 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 Parcel A as shown on the Parcel Map for ______, filed in Book ____ of Parcel 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 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))

CONDITION OF APPROVAL/
20. 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)

<table>
<thead>
<tr>
<th>CEQA MITIGATION MEASURES</th>
<th>MONITORING DEPARTMENT</th>
<th>VERIFIED IMPLEMENTED</th>
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<tbody>
<tr>
<td>21. 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</td>
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<tr>
<td>MARIPOSA PLANNING</td>
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**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.

Mariposa Planning Recommendation

<table>
<thead>
<tr>
<th>Public Works</th>
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### 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>
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<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>
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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></td>
<td>5100 Bullion Street</td>
<td>P.O. Box 5</td>
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<td>Mariposa CA 95338</td>
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<tr>
<td>Mariposa County Resource Conservation District</td>
<td>Jerry Progner</td>
<td>209-966-3431</td>
<td></td>
<td>5009 Fairgrounds Rd</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></td>
<td>4982 10th Street</td>
<td>P.O. Box 35</td>
</tr>
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<td></td>
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<td>Mariposa CA 95338</td>
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<tr>
<td>County Fire</td>
<td>Jim Wilson</td>
<td>209-966-4330</td>
<td></td>
<td>5082 Bullion Street</td>
<td>P.O. Box 162</td>
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<tr>
<td>Cal. Dept of Forestry</td>
<td>Paul Alvarez</td>
<td>209-966-3622</td>
<td></td>
<td>5366 Highway 49</td>
<td>Same as site</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

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**Explanation of Headings:**

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

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