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

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution
No. 2008-020

A resolution conditionally approving Land Division Application 2007-005, Theresa Castaldi, applicant. Assessors Parcel Number 012-140-030

WHEREAS an application for Land Division Application 2007-005 was received on January 11, 2007 from Theresa Castaldi for property located in the Yaqui Gulch Road/Highway 140 intersection area, identified as Assessor Parcel Number 012-140-030; and

WHEREAS Land Division Application No. 2007-005 proposes the division of a 82.64 acre parcel into four parcels, Parcel 1 of 5.85 acres, Parcel 2 of 5.02 acres, Parcel 3 of 5.05 acres, and Parcel 4 of 5.15 acres, and a 61.57 acre Remainder, 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 June 20, 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 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 FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby approve Land Division Application 2007-005.

BE IT 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.

BE IT FINALLY RESOLVED THAT project mitigation measures will be monitored as shown in Exhibit 3.
ON MOTION BY Commissioner Ross, seconded by Commissioner Francisco, this resolution is duly passed and adopted this 20th day of June 2008 by the following vote:

AYES: Francisco, Ross, Rudzik, Skyrud, DeSantis

NOES: None

EXCUSED: None

ABSTAIN: None

[Signature]
Skip Skyrud, Chair
Mariposa County Planning Commission

Attest:

[Signature]
Carol Suggs, Secretary to the
Mariposa County Planning Commission
EXHIBIT 1

PROJECT FINDINGS

FOR

Land Division Application No. 2007-005

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

EVIDENCE: Based on site inspection, the initial study, and input from affected agencies the proposed division of the existing 82.64-acre parcel into four parcels and a Remainder, the site is physically suited for low-density homes and appurtenant improvements such as septic systems provided that the mitigation measures relating to septic systems and their approved locations, and the mitigation measure requiring evidence that residential driveways meeting Public Resource Code 4290 can be constructed on parcels 2 and 4 are met. The proposed project is located within the Mountain Home zone. The subdivision density is designed in accordance with the Mountain Home zone.

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

EVIDENCE: The Initial Study prepared for the project found that based on the approved project description and the proposed mitigation measures, it would have a less than significant effect on biological resources. Mitigation measures will reduce potentially significant impacts to an unnamed blue-line drainage feature, nesting birds, and oak woodlands to less than significant levels. The project will not result in substantial environmental change. The project is 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 with the implementation of mitigation measures that are designed reduce potential health effects from poorly performing septic systems to less than significant levels. 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 each parcel shall be shown on the parcel 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. The proper location and implementation of these improvements, and the implementation of septic system mitigation measures 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 Resources 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 and specific plans as specified in Government Code Section 65451.

**EVIDENCE:** The land division is the initial step in the process to help implement 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 Housing Element objectives, including “Provide Adequate Sites and Services.” The project site is not in an area governed by a special, specific, community or area plan.

Yaqui Gulch Road is adequate to serve the increased traffic resulting from this subdivision and meets the applicable goals, policies and implementation measures regarding safe and adequate access contained in the Land Use, and Circulation, Infrastructure and Services elements of the Mariposa County General Plan.

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

**EVIDENCE:** The residential uses proposed are consistent with the Residential land use classification contained in the Mariposa County General Plan. The minimum lot size proposed by the project is consistent with standards contained in the Mariposa County Zoning Ordinance for the Mountain Home zone. The land division’s design complies with the County Subdivision Ordinance’s maximum 4:1 length to width ratio for parcel configuration. The project site is not in an area governed by a special, specific, community or area 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
Land Division Application 2007-005

Project Applicant: Theresa Castaldi
File Number: Land Division No. 2007-005
Project Approval Date: June 20, 2008

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

Approved Project Description: Subdivision of a 82.64-acre parcel into four parcels: Parcel 1: 5.85 acres; Parcel 2: 5.02 acres; Parcel 3: 5.05 acres; Parcel 4: 5.15 acres; and a 61.57-acre Remainder.

1. If the Remainder is shown on the parcel map the easement road from Yaqui Gulch Road to Parcels 1, 2, 3, 4 and Remainder shall be made 60 feet wide and non-exclusive. (A cul-de-sac easement with a radius of 60 feet shall be provided to encompass the required cul-de-sac improvements.) (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.) The easements shall be 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.”

If the Remainder or pertinent portions of the Remainder are not shown on the parcel map the easement within Parcel 3 shall be made 60 feet wide and non-exclusive. (A cul-de-sac easement with a radius of 60 feet shall be provided to encompass the required cul-de-sac improvements.) (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.) The easements shall be 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.” The 60 foot wide proposed easement within the Remainder shall be offered for dedication at the time the parcel map is filed. The content and format of the offer of dedication document, including the
legal description of the easement, shall be approved by the county
surveyor prior to filing.

Section 16.12.160.B, County Subdivision Ordinance; Road standard
cross-sections, Road Improvement and Circulation Policy.

2. 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 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 parcel map, the County surveyor shall confirm that
this condition has been met.

County Improvement Standards; State Fire Safe Regulations

3. A dedication of 30 feet from the centerline of Yaqui Gulch 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 “public road and public utility purposes.” The location
and width of the offer of dedication shall be approved by the County
Engineer.

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

4. The easement from Yaqui Gulch Road to Parcel 4 shall be improved
to a Rural Class I SRA “A” standard and shall meet this standard at the
time of parcel map filing. The required 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 parcel map. The
County Engineer may require engineered improvement plans prepared
by a Registered Civil Engineer for any improvements required as a
condition of approval for this project. If engineered improvement plans
are required, the plans shall be approved by the County Engineer prior
to commencement of construction work on the required road
improvements.

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

5. An encroachment permit shall be obtained from the Mariposa County
Public Works Department prior to any work being done on or adjacent
to Yaqui Gulch Road. In addition, all grading and road improvement
work required as a condition of approval of this project shall comply with
the Mariposa County Improvement Standards and all requirements
contained therein. The County Engineer may require engineered
improvement plans prepared by a Registered Civil Engineer for any
improvements required as a condition of approval for this project. If
engineered improvement plans are required, the plans shall be

Public Works

Public Works
approved by the County Engineer prior to commencement of
construction work on the required road improvements.

Chapter 11, County Improvement Standards

6. Access to parcels 1, 2, 3, 4 and Remainder shall be limited to the
proposed easement (except that the Remainder can be accessed from
the existing encroachment on Highway 140); No encroachment permits
for access to Yaqui Gulch Road from these parcels will be granted. A
declaration shall be recorded with the parcel map, referenced on the
parcel map and made appurtenant to parcels 1, 2, 3, 4 and Remainder.
The declaration shall state the following.

"Approved access for residential development of parcels 1, 2, 3, 4 and
Remainder as shown on the Parcel Map for __________, recorded in
Book __________ at Page __________, Mariposa County Records is
from (insert approved road name), and no more encroachments will be
permitted from Yaqui Gulch Road."

The County Engineer will confirm that this condition has been complied
with prior to map filing.

Public Works Recommendation

7. Prior to the commencement of any road improvements, road
construction or other road building or maintenance activities required as
a condition of approval for this project and prior to issuance of any
encroachment permit for the required improvements, a consultation
meeting with the Public Works Department, the applicant, the agent,
road contractor and a representative from the California Department of
Forestry (CalFire) 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 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.

Sections 3 and 11.3(c), County Improvement Standards

8. 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

9. Immediately upon completion of the required road and encroachment
improvements, the applicant shall re-vegetate all exposed soils and
install other erosion control as recommended by the Resource
Conservation District (RCD). 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.

**Section 12, County Improvement Standards**

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

**Public Works Recommendation**

11. Prior to the commencement of any road improvements, road construction or other road building or maintenance activities required as a condition of approval for this project, the applicant shall contact the Regional Water Quality Control Board to determine if a General Permit for Discharges of Storm Water Associated with Construction Activity is required. If required, the applicant shall obtain the permit prior to commencement of construction activities. A copy of the approved permit or evidence that a permit is not required shall be submitted to the Public Works Department by the applicant prior to the onsite consultation meeting required by Condition of Approval No. 8. If a permit is required, all provisions and requirements of the permit shall be completed prior to recordation of the parcel map. The applicant shall submit to the Public Works Department evidence that the permit requirements have been met to the satisfaction of the RWQCB.

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

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

**Road Improvement and Circulation Policy Section III.A., County Improvement Standards Section 11.5(D)**

13. A stop sign shall be placed at the intersection of the on-site easement road and Yaqui Gulch 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.

**Section III.A., Road Improvement and Circulation Policy; Section 11.5(D) County Improvement Standards**

14. If the easement road is accepted by the County for public access but not for maintenance, a sign stating “THIS ROAD IS NOT COUNTY MAINTAINED” shall be installed at the intersection of Yaqui Gulch Road and the easement road 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.
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<tr>
<th>Section III.A.4., Road Improvement and Circulation Policy</th>
<th>Public Works</th>
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<tr>
<td>15. A road name sign for the on-site easement road shall be placed at the intersection of the easement road and Yaqui Gulch 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.</td>
<td>Public Works</td>
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<tr>
<th>Section 16.12.175, County Subdivision Ordinance</th>
<th>Public Works</th>
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<td>16. A road maintenance association shall be formed to provide for the maintenance of the on-site easement road. Maintenance shall include, but not be limited to, drainage and erosion control devices, fuel modification, and upkeep of road surfaces. The Road Maintenance Association provisions shall be developed by the applicant so those parcels served by the easement road, including the Remainder, shall be responsible for road maintenance. These provisions shall be reviewed and approved by the County Engineer prior to filing of the parcel map and shall:</td>
<td>Public Works</td>
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<td>a. 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. Provide for annual maintenance and the immediate correction of emergency and hazard situations.</td>
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<td>c. Include 100% of the parcels in the subdivision served by the access road, including the Remainder.</td>
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<td>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.</td>
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<td>e. Provide a mechanism for new parcels to be added to the association.</td>
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Public Works Recommendation

| 17. 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. | Public Works |

Section 16.12.395, Mariposa County Subdivision Code

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<tr>
<th>REMAINDER CONDITIONS (NOTE: Some conditions of approval in other sections as well as mitigation measures also address issues relating to the Remainder)</th>
<th>Public Works</th>
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<td>18. If the Remainder is not shown on the recorded parcel map, then the applicant or agent shall provide the County Surveyor with a legal description (typed, stamped and signed legal descriptions along with lot closure computations) of the Remainder.</td>
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<td>19. Upon completion of the required road improvements for the Remainder, the applicant shall revegetate all exposed soils and install other erosion control as recommended by the Resource Conservation</td>
<td>Public Works</td>
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District 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 RCD stating that the revegetation control provisions have been completed prior to the filing of the Certificate of Compliance for the Remainder.

20. A declaration shall be recorded concurrently with and referenced on the parcel map stating:

“There shall be no county development permit (including, but not limited to a well permit, a septic permit, a grading permit, and/or a structure permit) issued to the Remainder as shown on the Parcel Map for ________, recorded in Book ________ 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.”

21. A declaration stating the following 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 as shown on the Parcel Map for ________, recorded in Book ________ at Page ________, Mariposa County Records in accordance with Section 16.04.030 of Mariposa County Code.”

Section 16.04.030, County Subdivision Ordinance

22. Upon completion of all conditions applied to the Remainder, a Certificate of Compliance shall be recorded on the Remainder, in accordance with Section 16.04.030, County Subdivision Ordinance. Fees associated with the recordation of the certificate of compliance shall be paid by the applicant. If the Remainder is not shown on the parcel map, a legal description prepared by a land surveyor or other qualified individual will be required.

**CONDITIONS OF APPROVAL / MARIPOSA PLANNING**

23. The easement road within the project shall be named in accordance with the criteria of County Resolution No. 92-541. The names of the road within the project site shall be shown on the parcel map.

County Resolution 92-541

24. Project approval is valid for a period of three years from June 20, 2008. This approval shall expire on June 20, 2011.

§16.12.430, Mariposa County Subdivision Code
25. 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 January 1, 2008) and the 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, 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 June 27, 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 January 1, 2008), 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 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 state Fish and Game Code.)

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<th>§16.12.390, Mariposa County Subdivision Code</th>
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| 26. 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.
27. Prior to recordation of the parcel map, the applicant shall prove to the satisfaction of the Health Department that Parcels 1, 2, 3, 4, and Remainder 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.

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 these parcels and the Remainder as shown on the Parcel Map for ________, recorded in Book ________ at Page ________, Mariposa County Records are derived from private wells. 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)

28. Prior to recordation of the parcel map, all applicable State Fire Safe Standards shall be met. A letter shall be submitted to the County Surveyor from Cal Fire stating that this condition has been met.

29. The cul-de-sac turnaround 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 Section 1273.05

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<th>CEQA MITIGATION MEASURES</th>
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30. Prior to the initiation of any construction occurring on the project site that involves the unnamed blue-line drainage feature running parallel to Yaqui Gulch Road that will need to be crossed in order to construct the easement road, the project proponent shall contact the Department of Fish and Game to determine if a Stream Alteration Agreement is required to be obtained. Should such a permit be required, the project applicant shall obtain the permit prior to the initiation of any construction activity. The project proponent shall provide the Mariposa County Planning Department with a copy of the permit or evidence that a permit is not required, prior to the issuance of any grading or construction permits for the project, or the initiation of construction activities. This information shall be supplied to the Planning Department no less than 20 days prior to the initiation of grading or other construction activities.

Mitigation Measure 4.b.1

31. Any tree removal that is necessary to implement the project as described in the project’s conditions of approval shall occur between September 15 and January 31, the time-frame which is outside of the general avian nesting season. Should such tree removal occur between February 1 and September 15 a pre-construction survey conducted by a qualified biologist/botanist shall be required to determine if such removal violates the provisions of Fish and Game Code sections 3503, 3503.5 and 3513. If these code sections will be violated by tree removal between February 1 and September 15, mitigation in accordance with the protocol established by applicable regulatory agencies shall be implemented.

Mitigation Measure 4.d.1

32. The applicant has the option to:

a. Construct all or portions of the access road and cul-de-sacs so as to not remove oak trees with a diameter of 5” or greater at breast height.

OR

b. Prior to the filing of the parcel map and prior to the scheduling of the on-site pre-construction conference, the applicant shall submit an Oak Tree Identification and Preservation Plan to the Mariposa County Planning Department. This Plan shall show all trees of the genus Quercus both on-site and off-site which are located within fifty feet of the centerline of the on-site easement roads that are 5” or larger in diameter at breast height.
with breast height being 4 ½' above natural grade. All trees identified as Quercus that will be removed for construction shall be identified on this Oak Tree Site Plan. All oak trees identified for removal on the project site shall be replaced at a ratio of three to one of a like species of oak, minimum of 10-gallon size, purchased from a nursery that has stock compatible with project site conditions. This Plan shall be prepared by a certified professional arborist, licensed landscape architect, registered professional forester, qualified botanist, or other qualified professional as approved by the Mariposa County Planning Department. This Plan shall specify maintenance requirements, costs, and procedures to ensure the viability of the replacement trees. If the qualified professional preparing this survey suggests an alternative to replacing the trees to be removed, that alternative suggestion shall be evaluated by the Mariposa County Planning Department and if determined to be acceptable by the Planning Director, shall be implemented. If the qualified professional determines that the number of trees removed will not create a significant impact, then that determination shall be presented for the Director's consideration. If that determination is accepted by the Planning Director, no formal identification and preservation plan is required to be prepared. If prepared the Plan shall be completed and approved by the Planning Department prior to scheduling the onsite road construction meeting required as a condition of project approval. This mitigation measure is not intended to reduce the ability of the applicant to conduct necessary brushing work for fire safety.

Mitigation Measure 4.e.1

33. For all trees of the genus Quercus not identified for removal for road construction or other purposes, there shall be no grading, leveling, soil compaction from the use of heavy equipment, or digging within the root zone of oaks identified in the Oak Tree Identification Plan document. During construction of onsite easement roads, all such oaks located in the area of construction activity, but not to be removed, shall have erected around the root zone—which is 1-½ times the drip line of the oak tree crown or 15' whichever is greater—environmentally sensitive area fencing. This fencing shall remain installed, visible, and in good condition until all road construction, grading activities and other soil disturbance activities are completed. At the time of inspection of the completed road improvements by the Public Works Department, the Public Works inspector shall approve the removal of the fencing. This measure shall not be required to be implemented if a qualified consultant determines that there is no significant impact to oak woodlands due to project implementation and that determination is accepted by the Planning Director.

Mitigation Measure 4.e.2
34. An open space setback of 15 meters surrounding site CC-1 shall be established and shown on the parcel map for the property. A document shall be recorded and referenced on the parcel map stating that no grading or construction, including trenching for utilities, shall occur within the perimeter of the setback area. If a protective setback is not feasible, and the archaeological site will be disturbed, it shall be evaluated for the California Register of Historical Resources to determine if it is a historic resource prior to any grading or construction work occurring in the site's vicinity. Site evaluation to assess eligibility in the Register shall be conducted by a qualified individual consistent with commonly accepted standards, i.e. a professional meeting the Secretary of the Interior Qualification Standards. If the resource is determined to be eligible, then mitigation shall include either protection from adverse impacts or data recovery. If the artifact concentrations are essentially surface in nature, a determination can be made by the qualified individual that the work performed reduces the level of impact to a less than significant level. The qualified individual shall also determine whether further mitigation is necessary if the site meets California Register criteria. Any mitigation required to protect the resource shall be implemented prior to any grading or construction occurring in the site's vicinity.

Mitigation Measure 5.a.1

35. An open space setback of 15 meters surrounding site CC-2 shall be established and shown on the parcel map for the property. A document shall be recorded and referenced on the parcel map stating that no grading or construction, including trenching for utilities, shall occur within the perimeter of the setback area. If a protective setback is not feasible, and the archaeological site will be disturbed, it shall be evaluated for the California Register of Historical Resources to determine if it is a historic resource prior to any grading or construction work occurring in the site's vicinity. Site evaluation to assess eligibility in the Register shall be conducted by a qualified individual consistent with commonly accepted standards, i.e. a professional meeting the Secretary of the Interior Qualification Standards, and shall include a Native American monitor if requested by the American Indian Council of Mariposa County. Consultation with the local Me-Wuk tribe shall be part of any significant evaluation. If the resource is determined to be eligible by the qualified individual, then mitigation shall include either protection from adverse impacts or data recovery. If the artifact concentrations are essentially surface in nature, a determination can be made by the qualified individual that the work performed reduces the level of impact to a less than significant level.

Mitigation Measure 5.a.2

36. During road grading and/or construction, or any activity that involves ground disturbance necessary to implement project conditions of approval, if any signs of prehistoric, historic, archaeological, paleontological resources are evident, all work activity within fifty feet of the find shall stop and the Mariposa County Planning Department shall be notified immediately. No work shall be done within fifty feet of the find until Planning has identified appropriate measures to protect the
find and those measures have been implemented by the applicant. Protection measures for the site may include, but not be limited to, requiring the applicant to hire a qualified archaeologist who shall conduct necessary inspections and research, and who may supervise all further ground disturbance activities and make any such recommendations as necessary to ensure compliance with applicable regulations. In addition to the Planning Department, the Mariposa County Coroner and American Indian Council of Mariposa County shall be notified should human remains be discovered. Representatives of the American Indian Council of Mariposa County shall be requested to be on-site during disturbance and/or removal of human remains.

Mitigation Measure 5.a.3

37. A document shall be recorded in Official Records concurrently with the parcel map and referenced on the parcel map stating the following:

"Percolation tests and soils analysis tests show that conventional on-site sewage disposal systems cannot be constructed on Parcels 1, 2, 3, & 4 as shown on the Parcel Map for __________, recorded 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, a document shall be recorded concurrently with the parcel map and referenced on the parcel map stating the following:

"The properties described as Parcels 1, 2, 3, & 4 as shown on the Parcel Map for __________, recorded in Book ____ at Page _____, Mariposa County Records, are required to be served by alternative design on-site sewage disposal systems which are 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."

This measure shall also apply to the Remainder if it cannot be demonstrated to the satisfaction of the Mariposa County Health Department that a conventional septic system can be installed on the parcel.

Mitigation Measure 6.e.1

38. An open space setback protecting the qualified sewage disposal areas on Parcels 1, 2, 3, and 4, including a 25 foot buffer around the areas, must be shown on the parcel map and a document shall be recorded concurrently with the parcel map and referenced on the parcel map stating the following:

"No construction activities, including grading or trenching for utilities, shall occur within the qualified disposal area and buffer area on each lot, as shown on the Parcel Map for ________, recorded in Book _______ at Page ________, Mariposa County Records."

The setback location must match the qualified disposal area identified in the approved soils report for the project and must be approved by the Health Department. Once approved the Health Department shall send notice to the County Surveyor that the proposed setback is acceptable and meets this condition prior to recordation of the parcel map.

This measure shall also apply to the Remainder if it cannot be demonstrated to the satisfaction of the Mariposa County Health Department that there is more than one (1) area meeting the Health Department's rules and regulations and policy 03-01.

Mitigation Measure 6.e.2
39. Prior to filing the parcel map for the project and the issuance of a certificate of compliance for the Remainder a soils report for the Remainder meeting Mariposa County Health Department Rules and Regulations section .063 and Health Department Policy 03-01 shall be submitted to and approved by the Health Department.

Mitigation Measure 6.e.3

40. Prior to the filing of the parcel map, the project proponent shall provide the Mariposa County Planning Department with a statement from a qualified person, i.e. a registered civil engineer or licensed surveyor, that residential driveways on proposed parcels 2 and 4 can be constructed in such a manner as to comply with Section 1273.09 of Public Resources Code 4290. The qualified person shall consider the location of the open space setbacks around the qualified disposal areas on these parcels in determining if a residential driveway can be constructed to required standards on these parcels. If it cannot be shown that residential driveways can be constructed to required standards, these parcels shall be merged with other parcels.

Mitigation Measure 15.e.1

RECOMMENDATION ON OFFERS OF DEDICATION

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

Mariposa Planning Recommendation

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 for public maintenance of the on-site easement road.

Mariposa Planning Recommendation

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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.
EXHIBIT 3

MITIGATION MONITORING
FOR
Land Division Application 2007-005

MITIGATION MEASURE 4.b.1
Prior to the initiation of any construction occurring on the project site that involves the unnamed blue-line drainage feature running parallel to Yaqui Gulch Road that will need to be crossed in order to construct the easement road, the project proponent shall contact the Department of Fish and Game to determine if a Stream Alteration Agreement is required to be obtained. Should such a permit be required, the project applicant shall obtain the permit and meet all requirements of the permit prior to the initiation of any construction activity. The project proponent shall provide the Mariposa County Planning Department with a copy of the permit or evidence that a permit is not required, prior to the issuance of any grading or construction permits for the project, or the initiation of construction activities. This information shall be supplied to the Planning Department no less than 20 days prior to the initiation of grading or other construction activities.

Monitoring for Mitigation Measure 4.b.1: This mitigation measure will be monitored by the Mariposa County Planning Department through the project construction permitting process.

MITIGATION MEASURE 4.d.1
Any tree removal that is necessary to implement the project as described in the project’s conditions of approval shall occur between September 15 and January 31, the time-frame which is outside of the general avian nesting season. Should such tree removal occur between February 1 and September 15 a pre-construction survey conducted by a qualified biologist/botanist shall be required to determine if such removal violates the provisions of Fish and Game Code sections 3503, 3503.5 and 3513. If these code sections will be violated by tree removal between February 1 and September 15, mitigation in accordance with the protocol established by applicable regulatory agencies shall be implemented.

Monitoring for Mitigation Measure 4.d.1: This mitigation measure will be monitored by the Mariposa County Planning Department through the project construction permitting process.

MITIGATION MEASURE 4.e.1
The applicant has the option to:

a. Construct all or portions of the access road and cul-de-sacs so as to not remove oak trees with a diameter of 5” or greater at breast height.

OR

b. Prior to the filing of the parcel map and prior to the scheduling of the on-site pre-construction conference, the applicant shall submit an Oak Tree Identification and Preservation Plan to the Mariposa County Planning Department. This Plan shall show all trees of the genus Quercus both on-site and off-site which are located within fifty feet of the centerline of the on-site easement roads that are 5” or larger in diameter at breast height, with breast height being 4 1/2’ above natural grade. All trees identified as Quercus that will be removed for construction shall be identified on this Oak Tree Site Plan. All oak trees identified for removal on the project site shall be replaced at a ratio of three to one of a like species
of oak, minimum of 10-gallon size, purchased from a nursery that has stock compatible with project site conditions. This Plan shall be prepared by a certified professional arborist, licensed landscape architect, registered professional forester, qualified botanist, or other qualified professional as approved by the Mariposa County Planning Department. This Plan shall specify maintenance requirements, costs, and procedures to ensure the viability of the replacement trees. If the qualified professional preparing this survey suggests an alternative to replacing the trees to be removed, that alternative suggestion shall be evaluated by the Mariposa County Planning Department and if determined to be acceptable by the Planning Director, shall be implemented. If the qualified professional determines that the number of trees removed will not create a significant impact, then that determination shall be presented for the Director’s consideration. If that determination is accepted by the Planning Director, no formal identification and preservation plan is required to be prepared. If prepared the Plan shall be completed and approved by the Planning Department prior to scheduling the onsite road construction meeting required as a condition of project approval. This mitigation measure is not intended to reduce the ability of the applicant to conduct necessary brushing work for fire safety.

Monitoring for Mitigation Measure 4.e.1: The measure will be required to be implemented prior to any work being done on the easement roadway. The measure will reduce the project’s potential impacts on oak trees to less than significant levels. This measure will be monitored by the Mariposa County Planning Department through the construction process.

**MITIGATION MEASURE 4.e.2**

For all trees of the genus Quercus not identified for removal for road construction or other purposes, there shall be no grading, leveling, soil compaction from the use of heavy equipment, or digging within the root zone of oaks identified in the Oak Tree Identification Plan document. During construction of onsite easement roads, all such oaks located in the area of construction activity but not to be removed shall have erected around the root zone—which is 1-1/2 times the drip line of the oak tree crown or 15' whichever is greater—environmentally sensitive area fencing. This fencing shall remain installed, visible, and in good condition until all road construction, grading activities and other soil disturbance activities are completed. At the time of inspection of the completed road improvements by the Public Works Department, the Public Works inspector shall approve the removal of the fencing. This measure shall not be required to be implemented if a qualified consultant determines that there is no significant impact to oak woodlands due to project implementation and that determination is accepted by the Planning Director.

Monitoring for Mitigation Measure 4.e.2: After Planning has reviewed and approved the Oak Tree Plan as described in the Mitigation Measure 4.e.1 the applicant shall install the environmentally sensitive area fencing as required by this Mitigation Measure. During all necessary inspections of the required road improvements, the Public Works Department shall confirm that this fencing is installed, visible, and in good condition. This measure will be monitored by the Mariposa County Planning Department through the construction process. This measure and monitoring would not be required if it is found by a qualified consultant that the project would have no significant impact on oak trees and that determination is accepted by the Planning Director.

**MITIGATION MEASURE 5.a.1**

An open space setback of 15 meters surrounding site CC-1 shall be established and shown on the parcel map for the property. A document shall be recorded and referenced on the parcel map stating that no grading or construction, including trenching for utilities shall occur within the perimeter of the setback area. If a protective setback is not feasible, and the archaeological site will be disturbed, it shall be evaluated for the California Register of Historical Resources to determine if it is a historic resource prior to any grading or construction work occurring in the site’s vicinity. Site evaluation to assess eligibility in the Register shall be conducted by a qualified individual consistent with commonly accepted standards, i.e. a professional meeting the Secretary of the Interior Qualification Standards. If the resource is determined to be eligible, then mitigation shall include either protection from adverse impacts or data
recovery. If the artifact concentrations are essentially surface in nature, a determination can be made by the qualified individual that the work performed reduces the level of impact to a less than significant level. The qualified individual shall also determine whether further mitigation is necessary if the site meets California Register criteria. Any mitigation required to protect the resource shall be implemented prior to any grading or construction occurring in the site's vicinity.

**Monitoring for Mitigation Measure 5.a.1:** This measure will be monitored by the Mariposa County Planning Department through the parcel map filing process. Monitoring of future site disturbance will be monitored by the Mariposa County Planning Department through the grading and/or building permit processes.

**MITIGATION MEASURE 5.a.2.**
An open space setback of 15 meters surrounding site CC-2 shall be established and shown on the parcel map for the property. A document shall be recorded and referenced on the parcel map stating that no grading or construction, including trenching for utilities, shall occur within the perimeter of the setback area. If a protective setback is not feasible, and the archaeological site will be disturbed, it shall be evaluated for the California Register of Historical Resources to determine if it is a historic resource prior to any grading or construction work occurring in the site's vicinity. Site evaluation to assess eligibility in the Register shall be conducted by a qualified individual consistent with commonly accepted standards, i.e. a professional meeting the Secretary of the Interior Qualification Standards, and shall include a Native American monitor if requested by the American Indian Council of Mariposa County. Consultation with the local Me-Wuk tribe shall be part of any significant evaluation. If the resource is determined to be eligible by the qualified individual, then mitigation shall include either protection from adverse impacts or data recovery. If the artifact concentrations are essentially surface in nature, a determination can be made by the qualified individual that the work performed reduces the level of impact to a less than significant level.

**Monitoring for Mitigation Measure 5.a.2:** This measure will be monitored by the Mariposa County Planning Department through the parcel map filing process. Monitoring of future site disturbance will be monitored by the Mariposa County Planning Department through the grading and/or building permit processes.

**MITIGATION MEASURE 5.a.3**
During road grading and/or construction, or any activity that involves ground disturbance necessary to implement project conditions of approval, if any signs of prehistoric, historic, archaeological, paleontological resources are evident, all work activity within fifty feet of the find shall stop and the Mariposa County Planning Department shall be notified immediately. No work shall be done within fifty feet of the find until Planning has identified appropriate measures to protect the find and those measures have been implemented by the applicant. Protection measures for the site may include, but not be limited to, requiring the applicant to hire a qualified archaeologist who shall conduct necessary inspections and research, and who may supervise all further ground disturbance activities and make any such recommendations as necessary to ensure compliance with applicable regulations. In addition to the Planning Department, the Mariposa County Coroner and American Indian Council of Mariposa County shall be notified should human remains be discovered. Representatives of the American Indian Council of Mariposa County shall be requested to be on-site during disturbance and/or removal of human remains.

**Monitoring for Mitigation Measure 5.a.3:** The applicant shall ensure that if cultural resources as described above are uncovered during grading or construction activities on the project site, that all grading and/or construction work shall cease immediately and Mariposa County Planning notified. The Mariposa County Coroner and the American Indian Council of Mariposa County shall also be notified in the event human remains are discovered. This measure will be monitored by the Mariposa County Planning Department through the project construction process and the implementation of applicable
protocol will ensure that potentially significant impacts to cultural resources or human remains are mitigated to a less than significant level.

**MITIGATION MEASURE 6.e.1**

A document shall be recorded in Official Records concurrently with the parcel map and referenced on the parcel map stating the following:

"Percolation tests and soils analysis tests show that conventional on-site sewage disposal systems cannot be constructed on Parcels 1, 2, 3, & 4 as shown on the Parcel Map for __________, recorded 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, a document shall be recorded concurrently with the parcel map and referenced on the parcel map stating the following:

"The properties described as Parcels 1, 2, 3, & 4 as shown on the Parcel Map for __________, recorded in Book _____ at Page _____, Mariposa County Records, are required to be served by alternative design on-site sewage disposal systems which are 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."

This measure shall also apply to the Remainder if it cannot be demonstrated to the satisfaction of the Mariposa County Health Department that a conventional septic system can be installed on the parcel.

**Monitoring for Mitigation Measure 6.e.1:** This measure will be monitored by the Mariposa County Planning and Health departments through the map filing process. Implementation of this measure will ensure that potentially significant impacts to sewage disposal are mitigated to less than significant levels.
MITIGATION MEASURE 6.e.2
An open space setback protecting the qualified sewage disposal areas on Parcels 1, 2, 3, and 4, including a 25 foot buffer around the areas, must be shown on the parcel map and a document shall be recorded concurrently with the parcel map and referenced on the parcel map stating the following:

“No construction activities, including grading or trenching for utilities, shall occur within the qualified disposal area and buffer area on each lot, as shown on the Parcel Map for __________, recorded in Book ______ at Page ______, Mariposa County Records.”

The setback location must match the qualified disposal area identified in the approved soils report for the project and must be approved by the Health Department. Once approved the Health Department shall send notice to the County Surveyor that the proposed easement is acceptable and meets this condition prior to recordation of the parcel map.

This measure shall also apply to the Remainder if it cannot be demonstrated to the satisfaction of the Mariposa County Health Department that there is more than one (1) area meeting the Health Department’s rules and regulations and policy 03-01.

Monitoring for Mitigation Measure 6.e.2: This measure will be monitored by the Mariposa County Planning and Health departments through the map filing process. Implementation of this measure will ensure that potentially significant impacts to sewage disposal are mitigated to a less than significant level.

MITIGATION MEASURE 6.e.3
Prior to filing the parcel map for the project and the issuance of a certificate of compliance for the Remainder a soils report for the Remainder meeting Mariposa County Health Department Rules and Regulations section .063 and Health Department Policy 03-01 shall be submitted to and approved by the Health Department.

Monitoring for Mitigation Measure 6.e.3: This measure will be monitored by the Mariposa County Planning Department and the Mariposa County Health Department through the map filing process. Implementation of this measure will ensure that potentially significant impacts relating to sewage disposal on the remainder are mitigated to less than significant levels.

MITIGATION MEASURE 15.e.1
Prior to the filing of the parcel map, the project proponent shall provide the Mariposa County Planning Department with a statement from a qualified person, i.e. a registered civil engineer or licensed surveyor, that residential driveways on proposed parcels 2 and 4 can be constructed in such a manner as to comply with Section 1273.09 of Public Resources Code 4290. The qualified person shall consider the location of the open space setbacks around the qualified disposal areas on these parcels in determining if a residential driveway can be constructed to required standards on these parcels. If it cannot be shown that residential driveways can be constructed to required standards, these parcels shall be merged with other parcels.

Monitoring for Mitigation Measure 15.e.1: This measure will be monitored by the Mariposa County Planning Department through the map filing process. Implementation of this measure will ensure that potentially significant impacts on emergency access are mitigated to less than significant levels.