

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

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution

No. 2007-033

A resolution conditionally approving Land Division Application No. 2005-261; Tony and Marce Suddjian and Paul and Patty Wondries (Patmar Real Estate), applicants. Assessors Parcel Number 016-290-002.

WHEREAS an application for land division was received on December 16, 2005 from Tony and Marce Suddjian and Paul and Patty Wondries (Patmar Real Estate), for a property located on Old Highway at an unassigned address in the Catheys Valley area, near the intersection of Old Highway and Cornett's Entrance/Schoolhouse Road also known as Assessor Parcel Number 016-290-002; and

WHEREAS the project was deemed complete as of January 16, 2006 pursuant to Government Code Section 65943 and is consequently subject to the 1981 General Plan; and

WHEREAS the project proposes the division of a 25 acre parcel into four parcels and a remainder of 5 acres each; and

WHEREAS Old Highway is a narrow county maintained road; and

WHEREAS the applicant modified the project description to include a frontage improvement to Old Highway to address the project's incremental impacts to Old Highway; 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 the 20th day of July 2007; 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 3rd day of August 2007; 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 No. 2005-261.

BE IT FINALLY RESOLVED THAT the project is approved based upon the findings set forth in Exhibit 1 with the terms, conditions, and mitigation measures set forth in Exhibit.

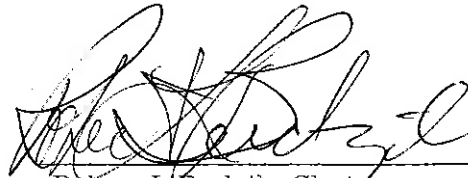
ON MOTION BY Commissioner Skyrud seconded by Commissioner DeSantis, this resolution is duly passed and adopted this 3rd day of August 2007 by the following vote:

AYES: Francisco, Ross, Rudzik, Skyrud, and DeSantis

NOES: None

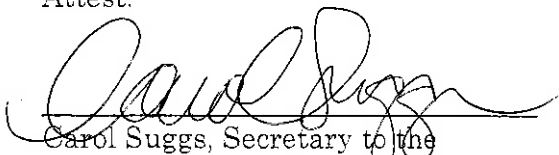
EXCUSED: None

ABSTAIN: None



Robert L Rudzik, Chairman
Mariposa County Planning Commission

Attest:



Carol Suggs, Secretary to the
Mariposa County Planning Commission

EXHIBIT 1
PROJECT FINDINGS
FOR
Land Division Application No. 2005-261

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

EVIDENCE: Based on site inspection and the proposed division of the existing parcel into five parcels and a remainder of greater than five acres each, the site is physically suited for low-density homes and appurtenant improvements such as septic systems provided that the conditions of approval regarding the septic systems and approved locations, and access roads are met. The proposed project is located within the Mountain Home zone and Land Use Classification. The subdivision density is designed in accordance with the Mountain Home zone and classification.

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

EVIDENCE: The Initial Study prepared for the project found that based on the approved project description and the proposed mitigation measures, it would have a less than significant effect on the environment. This project is limited in its scope, and is consistent with surrounding development. The site has access to a paved county-maintained road and limited grading will be necessary to comply with access requirements for the subdivision. Mitigation is included for improving access to the parcels to address fire safety and emergency response impacts. Mitigation is included to address the project's potential impacts to cultural resources and oak trees. The land will be used primarily for residential purposes. The applicant has shown building sites on each parcel and the remainder which are outside of the existing drainages on-site. The project is subject to the California Department of Fish and Game filing fees of (\$1,800) for a mitigated negative declaration as required by California Fish and Game Code §711.4(d)(4) and a County Clerk fee of (\$50).

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

EVIDENCE: This land division and its subsequent use for low-density residential purposes are not likely to cause serious health problems. Future residential uses will be required to comply with all Building Code regulations and Health Department standards for the proper installation of wells and sewage disposal systems on the parcels and remainder. The proper location and implementation of these improvements through the required permit processes will ensure that serious health problems will not occur on the

site. The project will be required to comply with requirements of Cal Fire to mitigate conditions on Old Highway. All future residential uses will be required to comply with the State Fire Safe Standards as mandated by California Public Resource Code Sections 4290 and 4291, which will eliminate any potential health and safety issues related to fire protection.

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

EVIDENCE: This project was submitted on December 16, 2005. On January 16, 2006, this application was deemed complete for processing pursuant to Government Code Section 65943. Consequently, this project has been processed in accordance with the 1981 Mariposa County General Plan. The land division is the initial step in the process to help accomplish the General Plan's Housing Element overall goal to "*...provide an adequate supply of sound, affordable housing units in a safe and satisfying environment for the present and future residents of the County...*" The land division satisfies the following Housing Element Policy: "*to ensure that there are adequate sites and facilities available to support future housing needs.*" There is no specific plan governing this property.

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

EVIDENCE: This project was submitted on December 16, 2005. On January 16, 2006, this application was deemed complete for processing pursuant to Government Code Section 65943. Consequently, this project has been processed in accordance with the 1981 Mariposa County General Plan. The minimum parcel size proposed by the project is consistent with standards contained in the 1981 General Plan and 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 a Specific Plan. Upon compliance with the recommended conditions prior to recordation of the parcel map, the parcels will have adequate access and adequate areas on-site for an engineered sewage treatment system.

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. The project will cause no permanent conflict with public access rights. Affected utility companies have reviewed the proposed project and have not objected to the proposal.

EXHIBIT 2
CONDITIONS OF APPROVAL AND MITIGATION MEASURES
FOR
Land Division Application No. 2005-261

Project Name: Land Division for Tony and Marce Suddjian and Paul and Patty Wondries (Patmar Real Estate)

File Number: LDA No. 2005-261

Project Approval Date:

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

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

	Monitoring Dept.	Verified Implemented
Project Description		
<p>Land Division Application No. 2005-261 is approved to divide a 25 acre parcel into 5 parcels and a remainder of 5 acres each.</p> <p>The application proposal includes improvements to Old Highway along the project site's frontage to lessen traffic impacts to Old Highway and to address cumulative impacts of the project. In accordance with input from CDF, the application proposal includes widening that portion of Old Highway which fronts the project site (along Parcels A and B) so that this portion of Old Highway complies with CDF minimum road width standards as follows:</p> <p style="padding-left: 40px;">Old Highway shall be improved to provide a minimum of 18 feet of travel surface.</p> <p>These improvements will be done in accordance to standards established in the County Improvements Standards and the SRA Fire Safe Regulations. An encroachment permit will be obtained for the work. All proposed improvements will be completed and "signed off" (approved) by CDF and the Public Works Department prior to recordation of the parcel map.</p> <p>Full road demolition (to the subgrade) and reconstruction of the frontage is not intended by the project proposal. Rather, road travel lane widening work along the project site frontage is proposed.</p>		
CONDITIONS OF APPROVAL / PUBLIC WORKS DEPARTMENT		
<p>1. The proposed on-site easement (herein after referred to as "on-site easement") from the cul-de-sac as shown on the tentative parcel map to the existing easement along the project parcel's easterly property line (herein after referred to as the "on-site/off-site easement" because 30 feet of the easement is on the project site parcel and 30 feet of the easement is on the adjacent parcel) shall be made sixty (60) feet wide and non-exclusive. A cul-de-sac easement with a radius of sixty (60) feet shall be provided to encompass the required cul-de-sac improvements. 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."</p> <p>§16.12.160.B, County Subdivision Ordinance; Road Standard Cross-sections and Section II.A.3, Road Improvement and Circulation Policy.</p>	Public Works	

<p>2. If required at the time of parcel map recordation by the County Engineer, a dedication of a minimum of thirty (30) feet from the centerline of Old Highway on-site 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 location and width of the offer of dedication shall be approved by the County Engineer. The dedication shall include all dedication area required to encompass the existing slopes.</p> <p>§16.12.150, Subdivision Ordinance; §II.A.3, Road Improvement and Circulation Policy.</p>	<p>Public Works</p>	
<p>3. The easterly boundary of the on-site/off-site easement within APN 016-290-003 from that portion near the northeast corner of the Remainder to Old Highway shall be staked in the field by the project surveyor prior to the on-site consultation meeting described in Condition No. 8. The staking of the edge of the easement shall be maintained during road construction activities. The purpose of the staking is to ensure that all required road improvements are contained within the existing easement.</p> <p>(Planning Department recommendation)</p>	<p>Public Works</p>	
<p>4. The access road from Old Highway to the cul-de-sac on-site shall be improved to the appropriate Rural Class standard pursuant to the Road Improvement and Circulation Policy in effect on the date of pre-construction conference required by Condition No. 8. The road shall meet these standards at the time of parcel map recordation. All portions of the road that exceed 12% grade shall be paved unless the paving requirement is waived by the County Engineer.</p> <p>The intersection of the on-site easement road and the on-site/off-site easement road shall be constructed at as close to a 90 degree angle as possible, to allow for the possible future extension of the on-site/off-site easement road within the existing easement.</p> <p>§16.12.170, County Subdivision Ordinance; Chart A and Section II.D.2.a, Road Improvement and Circulation Policy; Planning Department Recommendation</p>	<p>Public Works</p>	
<p>5. An encroachment permit shall be obtained from Public Works prior to any work being done on or adjacent to Old Highway, including any work done in conjunction with the widening work along the project site's frontage pursuant to CDF mitigation as well as the access road encroachment improvements. 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</p>	<p>Public Works</p>	

<p>Registered Civil Engineer for any improvements required as a condition of approval for this project. If engineered improvement plans are required, the plans shall be approved by the County Engineer prior to commencement of construction work on the required road improvements All encroachment improvements shall be completed as required by Public Works. All encroachment permit requirements shall be completed to the satisfaction of Public Works by the applicant prior to recordation of the parcel map.</p>		
<p>Chapter 11, County Improvement Standards</p> <p>6. A cul-de-sac shall be constructed at the terminus of the required road improvements at the intersection of Parcels A, C, and D as shown on the tentative parcel map. The cul-de-sac shall be improved to meet county standards and shall meet these standards at the time of parcel map recordation. The required cul-de-sac improvements shall be completed in accordance with the Road Improvement and Circulation Policy and the County Improvement Standards and shall be inspected and approved by the County Engineer prior to recordation of the parcel map. At the time of recordation of the parcel map, the County Surveyor shall confirm that this condition has been met.</p>	<p>Public Works</p>	
<p>Section 11.4(B)(9) County Improvement Standards</p> <p>7. A road maintenance association shall be formed to provide for the maintenance of the easement road from the cul-de-sac on-site to Old Highway. 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 A, B, C, and D and the Remainder shall be responsible for road maintenance. These provisions shall be reviewed and approved by the County Engineer prior to recordation of the parcel map and shall:</p> <ol style="list-style-type: none"> 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 (and remainder) in the subdivision served by the access roads. d. Provide a mechanism for the road maintenance association to collect delinquent payments or assessments for the maintenance described above by filing a lien on the delinquent properties with the power of sale. 	<p>Public Works</p>	

<p>e. Provide a mechanism for new parcels to be added to the association.</p> <p>Public Works Recommendation</p>		
<p>8. 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 following Planning Director approval of or DPW receipt of:</p> <p>a. the Oak Tree Identification and Preservation Plan (Condition No. 34),</p> <p>b. the biological survey for the Madera leptosiphon (Condition No. 33),</p> <p>c. the open space setback map (Condition No. 31), and</p> <p>d. the DFG notification or Streambed Alternation permit (Condition No. 35),</p> <p>a consultation meeting with the Public Works Department, CalFire (CDF), the applicant, and the road contractor shall occur. This meeting shall be conducted on-site. This consultation meeting shall be set up by the applicant and/or agent. Any and all costs associated with the consultation shall be the responsibility of the applicant. Public Works shall verify that this condition has been met prior to construction of any road improvements required for this project and prior to the scheduling of any on-site inspection of road improvements.</p> <p>Staff also recommends that the additional soils work specified in Condition No. 26 be coordinated with this condition, as any modification in the road alignment may impact the ability of any parcel or the remainder to sustain an on-site engineered sewage disposal system.</p> <p>Public Works Recommendation and Planning Staff Recommendation</p>	<p>Public Works</p>	
<p>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.</p> <p>28.120, Mariposa County Grading Ordinance</p>	<p>Public Works</p>	
<p>10. 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</p>	<p>Public Works</p>	

<p>prepared by a Registered Civil Engineer for any improvement required as a conditional 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.</p> <p>Mariposa County Improvement Standards</p>		
<p>11. All signs required by the conditions of approval for this project shall be installed on metal, break-away type posts prior to map recordation. The design and placement of signs shall be approved by the County Engineer prior to installation.</p> <p>Public Works Recommendation</p>	Public Works	
<p>12. A stop sign shall be placed onsite at the intersection of the project access road and Old Highway. The stop sign shall be installed on a metal breakaway type post prior to map recordation. The design and placement of signs shall be approved by the County Engineer prior to installation.</p> <p>Public Works Recommendation</p>	Public Works	
<p>13. A sign stating "THIS ROAD IS NOT COUNTY MAINTAINED" shall be installed at the intersection of the project access road and Old Highway prior to map recordation. 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.</p> <p>Section III.A.4, Road Improvement and Circulation Policy</p>	Public Works	
<p>14. A road name sign shall be placed at the intersection of project access road (the on-site/off-site easement) and Old Highway. A second road name sign shall be placed at the intersection of the on-site easement road and the on-site/off-site easement road. The design and specifications of the signs shall be in accordance with the Mariposa County Improvement Standards and shall be approved by the County Engineer prior to installation.</p> <p>§16.12.175, Mariposa County Subdivision Code</p>	Public Works	
<p>15. Access to Parcels A and B shall be limited to the project access easement. No encroachments to Old Highway for these parcels will be granted. A declaration shall be recorded concurrently with the parcel map and referenced on the parcel map and made appurtenant to Parcels A and B. The declaration shall state the following:</p> <p>"Approved access for residential development of Parcels A and B as shown on the Parcel Map for _____, recorded in Book ____ of Parcel Maps at Page ____, Mariposa County Records, is from _____ or _____ (insert two approved road names)."</p>	Public Works	

<p>The County Engineer will confirm that this condition has been met prior to map recordation</p> <p>Public Works Recommendation; Existing Access Control Strip (created by Parcel Map Book 28, Page 11)</p>		
<p>16. A declaration or covenant of non-protest for road maintenance of the project easement road (both on-site and on-site/off-site portions) shall be recorded concurrently with the parcel map and shall be referenced on the parcel map. The declaration or covenant shall be made appurtenant to each parcel and shall state that the owner or future owners of the parcels waive their right to protest the formation of a zone of benefit or assessment district within Countywide county Service Area No. 1 for road improvements, road upgrades, and/or maintenance of the easement road. The declaration or covenant shall be approved by the Public Works Director prior to recordation.</p> <p>Public Works Recommendation</p>	Public Works	
<p>17. A Verification of Taxes Paid Form, acquired no sooner than 30 days prior to the recordation of the parcel map, shall be submitted to the County Surveyor.</p> <p>§16.12.395, Mariposa County Subdivision Code</p>	Public Works	
<p>CONDITION OF APPROVAL / MARIPOSA PLANNING</p>		
<p>18. The remainder shall be shown on the parcel map, based upon its size, and the necessity to create easements and setbacks pursuant to the Subdivision Ordinance and mitigation measures for the project.</p> <p>Planning Staff Recommendation</p>	Mariposa Planning	
<p>19. Project approval is valid for a period of three years from August 3, 2007. This approval shall expire on August 3, 2010.</p> <p>§16.12.430, Mariposa County Subdivision Code</p>	Mariposa Planning	
<p>20. The on-site easement road from the northeast corner of the Remainder to the on-site cul-de-sac shall be named in accordance with the criteria of County Resolution No. 92-541. A Road Name Request application shall be submitted to the Planning Department and be approved by the Planning Director. The name of the road shall be shown on the parcel map.</p> <p>County Resolution No. 92-541</p>	Mariposa Planning	
<p>21. The on-site/off-site easement from the northeast corner of the Remainder to Old Highway shall be named in accordance with County Resolution No. 92-541. A Road Name Request application shall be submitted to the Planning Department and be approved by</p>	Mariposa Planning	

<p>the Board of Supervisors. The name of the road within the project site shall be shown on the parcel map.</p> <p>(County Resolution No. 92-541)</p>		
<p>22. 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 (\$1,800) and County Clerk fee (\$50) shall be paid by the applicant within five (5) working days of the approval of the application (by Friday, August 10th 2007), 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, August 10th, 2007 the environmental determination is not operative, vested, or final (Section 21089(b) Public Resources Code).</p> <p>The County Clerk requires that one check be submitted to cover both of these fees, for a total of \$1,850.00, and that it be in the form of a cashiers check or money order payable to "Mariposa County;" The County Clerk will not accept a personal check for these fees. Submit the check to Mariposa Planning who will file this fee and other required documents with the County Clerk.</p> <p>§16.12.390, Mariposa County Subdivision Code</p>	<p>Mariposa Planning</p>	
<p>23. 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.</p> <p>An agreement on a form approved by Mariposa County Counsel</p>	<p>Mariposa Planning</p>	

<p>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.</p>		
<p>§16.36.030, Mariposa County Subdivision Ordinance</p>		
<p>24. A declaration shall be recorded with the parcel map and shall be referenced on the parcel map:</p> <p>“A Certificate of Compliance must be obtained prior to issuance of a development permit on the designated remainder in accordance with Section 16.04.030 of Mariposa County Code. All fees associated with the Certificate of Compliance are the responsibility of the applicant.”</p> <p>(Section 16.04.030, County Subdivision Ordinance)</p>	<p>Mariposa Planning</p>	
<p>25. A declaration shall be recorded concurrently with and referenced on the parcel map stating:</p> <p>“There shall be no county development permit (including, but not limited to a well permit, a septic permit, an electrical permit, a grading permit, and/or a structure permit) issued to the remainder as shown on the Parcel Map for _____, recorded in Book ___ of Parcel Maps at Page ____, Mariposa County Records, until all of the subdivision conditions for the remainder as established by the Planning Commission have been met. The remainder is not a parcel available for sale, lease or finance until all of the subdivision conditions for the remainder have been met. The remainder may or may not be surveyed.”</p> <p>(Planning Department Recommendation)</p>	<p>Mariposa Planning</p>	
<p>CONDITIONS OF APPROVAL/ MARIPOSA COUNTY HEALTH DEPARTMENT</p>		
<p>26. Prior to recordation of the parcel map the applicant shall demonstrate to the satisfaction of the Mariposa County Health Department that the minimum required area per Health Department Policy 03-01 is available for use on all four parcels and the remainder adjacent to the areas tested. This may include excavating additional profile holes at the discretion of the Health Department. If the Health Department does not approve the pre-tested site then additional percolation tests and soil profile analysis shall be performed on those parcels not approved by the Health Department. Any parcel not meeting Health Department Policy 03-01 to the satisfaction of the Health Department shall be merged with an adjoining parcel or parcels.</p> <p>The setback areas required by Condition No. 31 of this approval may not be used to satisfy this condition.</p>	<p>Environmental Health</p>	

<p>Health Department Recommendation</p> <p>27. If the Health Department approves the available area outlined in the above condition then a statement shall be recorded in Official Records concurrently with the Parcel Map and referenced on the Parcel map as follows:</p> <p>“Approved percolation tests and soils analysis tests have been performed on (Parcels A, B, C, D and the remainder) <i>(insert the appropriate parcel numbers/remainder as verified by the Health Department based upon the analysis performed in the above condition)</i> 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. The tests indicate that special design "Engineered" Septic Systems will be required on (Parcels A, B, C, D, and the Remainder) <i>(insert appropriate parcel numbers after actual parcel numbers have been determined by the Health Department after additional testing required by above condition)</i>. Prior to the close of escrow on any parcel or the remainder, an Engineered Special Design of the septic system must be submitted to and approved by the Mariposa County Health Department. 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 or the remainder that has not had approved percolation tests, additional percolation tests and design recommendations may be required.</p> <p>(Section 16.12.330, County Subdivision Ordinance; Health Department Recommendation)</p>	<p>Environmental Health</p>	
<p>28. A public entity shall be created to provide routine maintenance on the engineered sewage disposal systems serving any and all parcels and the remainder.</p> <p>A Zone of Benefit and a contract with an approved on-site sewage disposal maintenance company may be used to satisfy this condition.</p> <p>Health Department Recommendation</p>	<p>Environmental Health</p>	
<p>29. The applicant shall obtain a land development Burn Permit from the Mariposa County Air Pollution Control District prior to lighting any fires to dispose of brush, grass, trees and other flammable debris generated during ground clearing activities associated with compliance with the conditions outlined for this project.</p> <p>Health Department Recommendation</p>	<p>Environmental Health</p>	
<p>CONDITIONS OF APPROVAL/CALIFORNIA DEPARTMENT OF FORESTRY & FIRE PROTECTION</p>		
<p>30. Prior to recordation of the parcel map, all applicable State Fire Safe Regulations shall be met. A letter shall be submitted to the</p>	<p>CDF</p>	

<p>County Surveyor by CDF stating this condition has been met. (California Public Resource Code)</p>		
<p>CEQA MITIGATION MEASURES</p>		
<p>31. Open space setbacks shall be created for the identified cultural resource sites "Suddjian #1", "Suddjian #2" and "Suddjian #3" as described within the Cultural Resource Survey prepared for the project. The setbacks shall be shown with and/or on the recorded map and be established a minimum of five (5) feet from the exterior perimeter of all portions of the resource sites. The setback areas, including their locations, shall be coordinated with the consultant(s) conducting the Cultural Resource Survey. A declaration shall be recorded concurrently with the parcel map and referenced on the parcel map which states:</p> <p style="padding-left: 40px;">"Grading, driveways, roads, and structures shall be prohibited within the open space setbacks as shown on the Parcel Map for _____, recorded in Book ___ of Parcel Maps at Page _____, Mariposa County Records."</p> <p>The location of these setbacks shall be accurately identified on a map prior to the pre-construction conference required by Condition No. 8 of this approval and prior to the completion of the additional soils testing required by Condition No. 26 of this approval. This way, no road work activity will occur within the setback areas and no soils testing work will occur within the setback areas. The map showing the location of the setback areas shall be submitted to the Public Works Department prior to scheduling of the pre-construction conference and submitted to the Health Department prior to scheduling of any inspection associated with the additional soils testing work.</p> <p>Mitigation Measure: Planning Staff Recommendation.</p>	<p>Planning Department</p>	
<p>32. 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.</p> <p>Mitigation Measure: Planning Staff Recommendation</p>	<p>Planning Department</p>	

<p>33. Prior to recordation of the parcel map for this project, the applicant shall hire a qualified consultant to conduct a biological survey of the subject property. The survey shall minimally determine whether the project site contains the Madera leptosiphon, and shall suggest mitigation for development should the species be located on the project site. The applicant shall present the results of this survey to the Planning Department prior to the on-site preconstruction meeting to demonstrate that this condition has been met. The Planning Department shall review the mitigation proposed by the consultant, if proposed, and shall implement appropriate mitigation for any resources found on the project site. Planning shall write a letter to the Public Works Department stating that the survey has been conducted, submitted, and reviewed, and shall specify any necessary mitigation for the protection of biological resources.</p> <p>The applicant shall provide evidence to the Public Works Department that this condition has been met, prior to scheduling the onsite preconstruction meeting with the Public Works Department, the applicant, and the road contractor.</p> <p>CA Department of Fish and Game Requirement; Mitigation Measure</p>	<p>Planning Department</p>	
<p>34. The applicant has the option to:</p> <p>a. Construct all portions of the access road and cul-de-sac so as to not remove oak trees with a diameter of 5" or greater at breast height.</p> <p>OR</p> <p>b. Prior to recordation of the parcel map and prior to the scheduling of the on-site pre-construction conference required by Condition No. 8, 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 road and fifty feet of the centerline of the on-site/off-site easement road 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 for project site conditions, except as described below. This Plan shall be prepared by a certified professional arborist, licensed landscape architect, registered</p>	<p>Mariposa Planning</p>	

<p>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. 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.</p> <p>Mitigation Measure</p>		
<p>35. Prior to the commencement of any road improvements, road construction or other road building or maintenance activities required as a condition of approval for this project, the applicant shall contact the California Department of Fish and Game (CDFG) to determine if a Section 1603 Streambed Alteration Notification is required. If required, the applicant shall obtain the notification or permit prior to the 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 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 all permit requirements have been met to the satisfaction of the Department of Fish and Game.</p> <p>CDFG recommendation: Fish and Game Code Section 1603; Mitigation Measure.</p>	<p>Public Works Department</p>	
<p>36. The existing one (1) foot wide access strip on-site offered to Mariposa County along Old Highway shall be shown on the recorded parcel map as appropriate.</p> <p>Planning Commission requirement.</p>	<p>Public Works Department</p>	
<p>REMAINDER CONDITIONS</p>		
<p>37. The access road from Old Highway to the northeast corner of the Remainder shall be improved to the appropriate Rural Class standard pursuant to the Road Improvement and Circulation Policy</p>	<p>Public Works Department</p>	

<p>in effect on the date of pre-construction conference required by Condition No. 8 (the standard previously required prior to recordation of the parcel map). The road shall meet these standards at the time of recordation of the Certificate of Compliance. All portions of the road that exceed 12% grade shall be paved unless the paving requirement is waived by the County Engineer.</p> <p>§16.12.170, County Subdivision Ordinance; Chart A and Section II.D.2.a, Road Improvement and Circulation Policy</p>		
<p>38. Immediately upon completion of the required road 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 Mariposa Planning by RCD stating that the re-vegetation and erosion control provisions have been completed.</p> <p>§15.28.120, Mariposa County Grading Ordinance</p>	<p>Resource Conservation District</p>	
<p>39. The applicant shall submit an application for a Certificate of Compliance for the remainder. Upon completion of all conditions applied to the remainder by the Planning Commission, a Certificate of Compliance shall be recorded on the remainder, in accordance with Section 16.04.030, County Subdivision Ordinance. Fees associated with the application and with the recordation of the certificate of compliance shall be paid by the applicant.</p> <p>Planning Staff Recommendation</p>	<p>Mariposa Planning</p>	
<p>RECOMMENDATION ON OFFERS OF DEDICATION</p>		
<p>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.</p> <p>Staff recommends that the Planning Commission recommend that the Public Works Director accept the offer of dedication for public access, public utilities and public maintenance for the dedication along Old Highway.</p> <p>Mariposa Planning Recommendation</p>	<p>Public Works</p>	