STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution
No. 2006-25


WHEREAS an application for a major subdivision was received on October 12, 2005 from Thomas Phillips and Mark Haynes for a property located at an unassigned address on the north side of Highway 132 and the west side of Granite Springs Road, approximately 0.7 miles north-northwest of the intersection of Granite Springs Road and Highway 132, also known as modified Assessor Parcel Number 001-140-005; and

WHEREAS the parcel configuration has previously been modified by a Certificate of Compliance recorded as Document No. 2060909 in Mariposa County Official Records on February 16, 2006, completing Lot Line Adjustment No. 2005-115; and

WHEREAS the property proposes to subdivide a 104-acre parcel into twenty parcels of 5.0, 5.0, 5.0, 5.0, 5.0, 5.0, 5.0, 5.0, 5.0, 5.0, 5.0, 5.0, 5.75, 5.8, 5.1, 5.0, 5.2, 5.15, 5.0, and 5.0 acres (Parcels 1 through 20 respectively as shown on the tentative map); 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 May 5, 2006; and

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

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

WHEREAS the Planning Commission did hold a public hearing on the noticed date and considered all of the information in the public record, including the Initial Study and Staff Report, testimony presented by the public concerning the application, and the comments of the applicant; and

WHEREAS the Planning Commission questioned whether the road as designed preserved the rural character of Mariposa County and whether the potential dust hazard caused by the onsite roads had been sufficiently analyzed; and
WHEREAS the Planning Commission continued the public hearing until the 2nd of June 2006 at 9:00 a.m. or as soon thereafter as possible in order to allow staff and the applicants to clarify some of the questions raised at the hearing; and

WHEREAS the Planning Commission did continue the public hearing on the 2nd of June 2006 and considered all of the information in the public record, including the Initial Study and Staff Report, the applicants' clarifications and responses to the issues raised at the previous public hearing, 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 approve a Mitigated Negative Declaration; and

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby approve Major Subdivision Application No. 2005-198; and

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

ON MOTION BY Commissioner Ross, seconded by Commissioner Skyrud, this resolution is duly passed and adopted this June 2, 2006 by the following vote:

AYES: Commissioners DeSantis, Ludington, Ross, Rudzik, and Skyrud

NOES: None

EXCUSED: None

ABSTAIN: None

[Signatures]

Robert L. Rudzik, Chair
Mariposa County Planning Commission

Attest:

Carol Suggs, Secretary to the
Mariposa County Planning Commission
Exhibit 1—Findings for Approval

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 twenty parcels that are all between five and six acres, 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 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 the environment. According to the Department of Fish and Game’s Natural Diversity Data Base and Areas of Special Biological Importance Map for Mariposa County and based on the biological survey prepared for this project, there are no special, rare, or endangered animal or plant species, or wildlife resources located on the project site or in the surrounding area that would be affected by approval of this project. The land is currently and will continue to be used primarily for residential purposes. The project may have an adverse impact on wildlife resources and potential habitat areas, and is therefore subject to the California Department of Fish and Game filing fees of ($1,250) for a mitigated negative declaration as required by AB 3158 and a County Clerk fee of ($25).

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

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

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 accomplish the General Plan’s Housing Element overall goal to “...provide an adequate supply of sound, affordable housing units in a safe and satisfying environment for the present and future residents of the County...” The land division satisfies the following Housing Element Policy: “to ensure that there are adequate sites and facilities available to support future housing needs.” There is no specific plan governing this property.

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

EVIDENCE: The minimum parcel size proposed by the project is consistent with standards contained in the 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.
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. Parcel 1 has frontage on Granite Springs Road, Parcels 6 through 9 have frontage on Highway 132, and the proposed easements providing access to all the parcels connect to Highway 132 and Granite Springs Road, but the project has been designed in such a way that public easements are not affected. Affected utility companies have reviewed the proposed project and have not objected to the proposal.
Exhibit 2—Conditions of Approval as Modified at the Planning Commission Hearing of June 2, 2006

Conditions for Phase 1

Public Works Conditions for Phase 1

1. The applicants have proposed to separate their project into two phases, with Phase 1 consisting of the parcels shown on the tentative map as Parcels 1, 2, 3, 4, 5, 18, 19, and 20. All of the remaining portions of the project site shall be designated as the Remainder at the time the Phase 1 map is recorded, and the Remainder shall be shown on the final map. The parcels shall be numbered consecutively from Parcel 1 through Parcel 8 pursuant to §16.20.120 of the Mariposa County Subdivision Ordinance. Phase 2 may be completed with Phase 1, if all pertinent conditions of both phases are completed.

2. The onsite road easement from Granite Springs Road to the western boundary of Parcels 5 and 18 as shown on the tentative map shall be made 60 feet wide, private and non-exclusive. A cul-de-sac easement with a radius of 60 feet shall be provided at the western boundary of Parcels 5 and 18 as shown on the tentative map. 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. If the County Engineer determines that the easements must be public roads for the purposes of forming a Zone of Benefit, the road easements shall be offered for dedication to the County of Mariposa. The offers of dedication shall be non-revocable and specifically state on the final map that the dedications are for "public road and utility purposes." If a public road is not necessary to formation of a Zone of Benefit, the final map shall state that the dedications are for "public utility purposes."

§16.20.130, County Subdivision Ordinance; Road Standard Cross-sections, Road Improvement and Circulation Policy.

3. A dedication of 30 feet from the centerline of Granite Springs Road within the project site shall be offered to the County of Mariposa. The offer of dedication shall be non-revocable and shall specifically state on the final map that the dedication is for "public road and utility purposes." The location and width of the offer of dedication shall be approved by the County Engineer.

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

4. Frontage improvements, consisting of but not limited to the resurfacing of Granite Springs Road where the road adjoins the parcel line of the subject property shall be done in accordance with the County Road Improvement and Circulation Policy and the County Improvement Standards and shall meet these standards at the time of final map recordation as confirmed to have been completed by the County Engineer. Any additional improvements shall be determined by the Public Works Department and agreed to by the applicant at the onsite preconstruction meeting required by Condition of Approval No. 12.

Public Works Recommendation; Section D, 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 Granite Springs 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 approved by the County Engineer prior to commencement of construction work on the required road improvements.

Chapter 11, County Improvement Standards

6. The road within the easement from Granite Springs Road to the western boundary of Parcels 5 and 18 as shown on the tentative map shall be improved to a Rural Class IIB SRA standard and shall meet this standard at the time of final map recordation. The required road improvements shall be completed in accordance with the Road Improvement and Circulation Policy and the County Improvement Standards and shall be approved by the County Engineer at the time of the recordation of the final map. Road grades in excess of 12% may be approved by the Public Works Director, who may require paving. No portions of the road may exceed 16% grade. 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.

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

7. 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 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 approved and inspected by the County Engineer prior to recordation 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 CDF, the applicant may request permission to construct a hammerhead T turnaround. Prior to recordation of the parcel map, the County Surveyor shall confirm that this condition has been met.

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

9. Access to Parcel 1 shall be limited to the proposed onsite easement. No further encroachment permits to Granite Springs Road for this parcel will be granted. A declaration shall be recorded with the final map, referenced on the final map and made appurtenant to Parcel 1. The declaration shall state the following:

“Approved access for residential development of Parcel 1 as shown on the Final Map for Phillips and Haynes, recorded as Record of Survey No. ____, Mariposa County Records is from [insert approved road name] ____, and no additional encroachments shall be granted to this parcel from Granite Springs Road.”
The County Engineer will confirm that this condition has been met prior to map recordation.

Public Works Recommendation

10. Access to the Remainder shall be limited to the proposed onsite easement. No further encroachment permits to Highway 132 will be granted for these parcels. A declaration shall be recorded with the final map, referenced on the final map and made appurtenant to the Remainder. The declaration shall state the following:

“Approved access for residential development of the Remainder as shown on the Final Map for Phillips and Haynes, recorded as Record of Survey No.____, Mariposa County Records is from __________, and no additional encroachments shall be granted to this parcel from State Highway 132.”

The County Engineer will confirm that this condition has been met prior to map recordation.

Public Works Recommendation

11. The applicant shall file a completed petition (including but not limited to, all required signatures and attachments) with the County to form a Zone of Benefit within the Countywide County Service Area No. 1 for road maintenance of the easement road from Granite Springs Road to the cul-de-sac. The applicant shall be responsible for all costs associated with the filing of the petition, including but not limited to, preparation and cost estimates. Maintenance shall include, but not be limited to, drainage and erosion control devices, fuel modification, and upkeep of road surfaces. The Zone of Benefit shall include provisions to allow additional parcels and additional road length to be added to the zone if appropriate in the future.

Public Works Recommendation; Section II.I, Road Improvement and Circulation Policy

12. 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, a representative from the California Department of Forestry and Fire Protection, the applicant, the agent, and the road contractor shall occur. This meeting shall be conducted onsite. 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. The County Engineer shall verify that this condition has been met prior to issuance of any road improvement or encroachment permit required for this project and prior to the scheduling of any onsite inspection of road improvements.

Public Works Recommendation

13. 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 Notice of Intent to Comply with the Terms of the 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 Notice of Intent or 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. 11. If a permit is required, all provisions and requirements of the permit shall be completed prior to recordation of the final 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)

14. Immediately upon completion of the required road and encroachment improvements, the applicant shall re-vegetate all exposed soils and install other erosion control as recommended by the Natural Resource Conservation Service/Resource Conservation District (NRCS/RCD). The applicant shall also contact the NRCS/RCD for an inspection. Inspection fees shall be the responsibility of the application. A letter shall be submitted to the County Surveyor by NRCS/RCD stating that the re-vegetation and erosion control provisions have been completed.

15. All required signs 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.

Public Works Recommendation

16. In accordance with the applicant’s proposal and prior to recordation of the final map for Phase 1, a gate shall be installed across the easement adjacent to the intersection of the onsite road easement and Granite Springs Road. The type and location of the gate shall be approved by the Public Works Director. If the gate is to be locked, the gate shall be approved by the County Fire Chief and the California Department of Forestry for emergency access purposes.

Section II.I, Road Improvement and Circulation Policy

17. A stop sign shall be placed onsite at the intersection of the onsite easement road and Granite Springs Road. The stop signs shall be installed on metal breakaway type posts prior to map recordation. The design and placement of signs shall be approved by the County engineer prior to installation.

Public Works Recommendation

18. A sign stating "THIS ROAD IS NOT COUNTY MAINTAINED" shall be installed onsite at the intersection of the onsite easement road and Granite Springs Road 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.

Section III.A.4, Road Improvement and Circulation Policy

19. A road name sign for the onsite easement road shall be placed onsite at the intersection of the easement road and Granite Springs Road prior to map recordation. 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.

§16.12.175, County Subdivision Ordinance

20. A final Soils Report shall be submitted to the County Planning Department as required by Mariposa County Code Subdivision Ordinance, Title 16 §16.20.220 and applicable
requirements of the Subdivision Map Act. The Soils Report shall be reviewed and
approved by the County Engineer prior to final map recordation.

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

“All residential buildings, including mobile homes placed on foundations shall be
constructed in compliance with the special foundation requirements stated in the Soils
Investigation Report prepared for the subdivision as shown on the Final Map for Phillips and Haynes, recorded as Record of Survey No. ___,
Mariposa County Official Records, and on file with the County Planning Department. A
building permit shall not be issued for residences placed on foundations unless the
foundations meet the foundation requirements contained in the Soils Investigation
prepared for the subdivision. The foundation requirements must be incorporated in the
building plan and permit.”

22. 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.

§16.12.395, Mariposa County Subdivision Code

Planning Conditions for Phase 1

23. The onsite easement road between Granite Springs Road and 18 as shown on the tentative map shall be named in accordance with the criteria of
County Resolution No. 92-541. A Road Name Request application for the onsite easement
road shall be submitted to the Planning Department and be approved by the Planning
Director. The name of the road within the project site shall be shown on the final map.

County Resolution 92-541

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

25. Project approval is valid for a period of three years from June 2, 2006. This approval shall expire on June 2, 2009.

§16.12.430, Mariposa County Subdivision Code

26. Prior to recordation of the final map, all fees associated with the County’s processing of the
map and filing of associated documents shall be paid. The Department of Fish and Game
filing fee ($1,250) and County Clerk fee ($25) 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, 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 $1,275.00, 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.

§16.12.390, Mariposa County Subdivision Code
27. 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.

28. The following statement for the Remainder shall be placed on the final map for Phase 1:

“A Certificate of Compliance must be obtained prior to issuance of a development permit on the designated Remainder as shown on the Final Map for Phillips and Haynes, recorded as Record of Survey No. ___, Mariposa County Official Records, in accordance with §16.04.030 of the Mariposa County Subdivision Code.”

Health Department Conditions for Phase 1

29. Proof of water shall be provided on each of the eight parcels prior to recordation of the final map for Phase 1 of this project. Proof of water shall be considered to be wells of proven capacity. Proven capacity shall be a well or wells capable of producing one thousand gallons per lot per twelve-hour day for each lot. Proof of production shall be an approved pump test of the well or wells certified by a licensed engineer, hydrogeologist, well driller with a C-57 license, or licensed well pump contractor. The minimum pump testing duration of the well or wells on each lot shall be the following: 3 hours for a well producing 10 gallons per minute (gpm) or more; 24 hours for a well producing 5 gpm to less than 10 gpm; and 3 days for a well producing less than 5 gpm. Additionally, a report of a completed well shall include a general mineral, physical and inorganic analysis as required under California Code of Regulations, Title 22, for non-transient, non-community water systems, and an analysis for coliform bacteria.

If any proposed parcel shall have a well that fails to meet proof of production and proof of production cannot be met on that parcel, the parcel is question shall be merged with an adjacent parcel and the merged parcel shall be shown on the final map for this subdivision.

30. Percolation tests and soils analysis tests shall be performed on each of the eight parcels in accordance with Health Department rules and regulations. The results of these tests shall be submitted to the Mariposa County Health Department and be approved by the County R.E.H.S. prior to the commencement of any road improvements for this project. A letter from the County R.E.H.S. shall be submitted to the County Surveyor prior to the onsite pre-
construction meeting required as Condition of Approval No. 11 for this project, stating that
approved percolation tests and soils analysis tests have been performed on the parcels. If
any proposed parcel shall have a percolation or soils analysis test that fails to meet the
standards established by the Health Department and the Health Department standards for
sewage disposal cannot be met on that parcel, the parcel is question shall be merged with
an adjacent parcel and the merged parcel shall be shown on the final map for this
subdivision. A statement shall be recorded in Official Records concurrently with the parcel
map and referenced on the parcel map as follows:

“Approved percolation tests and soils analysis tests have been performed on Parcels 1, 2, 3,
4, 5, 6, 7, and 8 as shown on the Final Map for Phillips and Haynes, recorded as Record of
Survey No. _____, Mariposa County Records, to verify the feasibility of installing an on-site
septic disposal system. A map identifying the location of the approved percolation tests is
on file in the County Health Department. If an on-site septic system is proposed for a
portion of a parcel that has not had an approved percolation tests, additional percolation
tests and design recommendations may be required.”

§ 16.12.330, County Subdivision Ordinance

California Department of Forestry and Fire Protection Conditions for Phase 1

31. Prior to recordation of the final map for this project, the applicant shall have complied with
all applicable SRA Fire Safe Regulations. A document shall be recorded and referenced on
the final map that states:

“Future residential development shall be required to conform with all applicable SRA
Fire Safe Regulations (Public Resource Code 4290 and 4291). Furthermore, the
development of the parcels is subject to all applicable SRA Fire Safe Regulations and the
risk of fire hazards shall be reduced through compliance with Public Resource Code
4291.”

Evidence that this condition has been satisfied shall be in the form of a letter from the
California Department of Forestry (CDF) to the County Surveyor.

CEQA Mitigation Measures for Phase 1

32. Prior to the recordation of a final map for the project, 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 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 road construction or for other purposes 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. 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. Alternatively, the applicant may choose not to remove any oak trees during road
construction. Public Works shall confirm during the onsite pre-construction meeting that
no oak trees are to be removed, and shall inform Planning in writing of this decision.
Planning shall then write to the County Surveyor waiving the requirement and confirming
that the condition has been satisfied prior to recordation of the final map for this project.
Mitigation Measure 4.e.1

33. For all trees not identified for removal for road construction or other purposes as detailed in Condition No. 30 (Mitigation Measure 4.e.1), 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 document. During construction of onsite easement roads, all such oaks 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—environmental 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.

Mitigation Measure 4.e.2

34. Prior to the recordation of a final map for Phase 1 of the project, the applicant shall construct a school bus stop according to the standards established by the Mariposa County Unified School District and the Mariposa County Improvement Standards. This school bus stop shall meet these standards at the time of final map recordation. The location of the school bus stop shall be approved by representatives of the Public Works Department and the Mariposa County Unified School District prior to any construction work being done for the bus stop; the bus stop may take access either from Granite Springs Road or from the onsite easement road. Representatives of the Mariposa County Unified School District and the Mariposa County Public Works Department shall inspect and approve the school bus stop and shall provide a letter to the County Surveyor stating that this requirement has been met prior to the recordation of the final map.

Mitigation Measure 13.c.1

Planning Department Recommendation on Offers of Dedication for Phase 1

A. Staff recommends that the Planning Commission recommend that the Public Works Director accept the offer of dedication for public access, utilities, and maintenance for the re-offer for dedication on Granite Springs Road within the project site.

B. 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 onsite easement road.

Conditions for Phase 2

Public Works Conditions for Phase 2

35. Phase 2 of this project consists of Parcels 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17 as shown on the tentative map for this project. The parcels shall be numbered consecutively, starting at Parcel 9 and ending at Parcel 20, pursuant to §16.20.120 of the Mariposa County Subdivision Ordinance.

36. The road easement from the Granite Springs Road to the cul-de-sac located on Parcels 11, 12, 13, and 14 shall be made 60 feet wide, private and non-exclusive. A cul-de-sac easement with a minimum radius of 60 feet shall be provided at the common point of Parcels 11, 12, 13, and 14 as shown on the tentative map. Additional easement width may be required to encompass the required road improvements, including turnout and associated cuts and fills, in accordance with the County Improvement Standards and Road Improvement and Circulation Policy. If the County Engineer determines that the
easements must be public roads for the purposes of forming a Zone of Benefit, the road
 easements shall be offered for dedication to the County of Mariposa. The offers of
dedication shall be non-revocable and specifically state on the final map that the
dedications are for “public road and utility purposes.” If a public road is not necessary to
formation of a Zone of Benefit, the final map shall state that the dedications are for “public
utility purposes.”

§16.20.130, County Subdivision Ordinance; Road Standard Cross-sections, Road
Improvement and Circulation Policy.

37. Frontage improvements, consisting of but not limited to the resurfacing of Granite Springs
Road where the road adjoins the parcel line of the subject property shall be done in
accordance with the County Road Improvement and Circulation Policy and the County
Improvement Standards and shall meet these standards at the time of final map recordation
as confirmed to have been completed by the County Engineer. Any additional
improvements shall be determined by the Public Works Department and agreed to by the
applicant at the onsite preconstruction meeting required by Condition of Approval No. 48.

Public Works Recommendation; Section D, Road Improvement and Circulation Policy

38. The road easement from the Phase I easement road to State Highway 132 shall be made 60
feet wide, private, and non-exclusive. 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.

§16.20.130, County Subdivision Ordinance; Road Standard Cross-sections, Road
Improvement and Circulation Policy.

39. Prior to recordation of the final map for Phase 2, a gate shall be installed across the
easement adjacent to the intersection of the onsite road easement and State Highway 132.
The type and location of the gate shall be approved by the Public Works Director and the
California Department of Transportation. If the gate is to be locked, the gate shall be
approved by the County Fire Chief and the California Department of Forestry for
emergency access purposes.

Section II.I, Road Improvement and Circulation Policy

40. An encroachment permit shall be obtained from the Mariposa County Public Works
Department prior to any work being done on or adjacent to Granite Springs 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 approved by the County Engineer prior to commencement of construction
work on the required road improvements.

Chapter 11, County Improvement Standards

41. An encroachment permit shall be obtained from the California Department of
Transportation prior to any work being done on or adjacent to State Highway 132. In
addition, all grading and road improvement work within the highway right-of-way required
as a condition of approval of this project shall comply with CalTrans Improvement Standards and all requirements contained therein. Prior to recodoration of the final map for this project, the applicant shall submit evidence to the County Surveyor that the encroachment improvements have been completed and approved by CalTrans.

CalTrans Requirement

42. The road within the easement from Granite Springs Road to the cul-de-sac located on Parcels 11, 12, 13, and 14 as shown on the tentative map shall be improved to a Rural Class IIB SRA standard and shall meet this standard at the time of final map recodoration. The required road improvements shall be completed in accordance with the Road Improvement and Circulation Policy and the County Improvement Standards and shall be approved by the County Engineer at the time of the recodoration of the final map. Road grades in excess of 12% may be approved by the Public Works Director, who may require paving. Nor portions of the road may exceed 16% grade. 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.

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

43. The road within the easement from Highway 132 to the onsite easement road that connects to Granite Springs Road as shown on the tentative map shall be improved to a Rural Class IA SRA standard and shall meet this standard at the time of final map recodoration. The required road improvements shall be completed in accordance with the Road Improvement and Circulation Policy and the County Improvement Standards and shall be approved by the County Engineer at the time of the recodoration of the final map. Road grades in excess of 12% may be approved by the Public Works Director, who may require paving. Nor portions of the road may exceed 16% grade. 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.

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

44. A cul-de-sac shall be constructed at the terminus of the onsite easement road at Parcels 11, 12, 13, and 14 as shown on the tentative map. The cul-de-sac shall be improved to meet county standards and shall meet this standard at the time of parcel map recodoration. 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 approved and inspected by the County Engineer prior to recodoration 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 CDF, the applicant may request permission to construct a hammerhead T turnaround. Prior to recodoration of the final map, the County Surveyor shall confirm that this condition has been met.

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

46. Access to all parcels with frontage on Highway 132 shall be limited to the proposed onsite easements. No further encroachment permits to Highway 132 will be granted for these parcels. A declaration shall be recorded with the final map, referenced on the final map and made appurtenant to these parcels. The declaration shall state the following:

"Approved access for residential development of Parcels __, __, __, and __ as shown on the Final Map for Phillips and Haynes, recorded as Record of Survey No. ____, Mariposa County Records is from (insert approved road name), and no additional encroachments shall be granted to these parcels from State Highway 132."

The County Engineer will confirm that this condition has been met prior to map recordation.

Public Works Recommendation

47. The applicant shall file a completed petition (including but not limited to, all required signatures and attachments) with the County to form a Zone of Benefit within the Countywide County Service Area No. 1 for road maintenance of the easement road from Granite Springs Road to the cul-de-sac. If a Zone of Benefit has already been formed for the maintenance of the road constructed in Phase 1, the applicant shall join the existing zone. The applicant shall be responsible for all costs associated with the filing of the petition, including but not limited to, preparation and cost estimates. Maintenance shall include, but not be limited to, drainage and erosion control devices, fuel modification, and upkeep of road surfaces. The Zone of Benefit shall include provisions to allow additional parcels and additional road length to be added to the zone if appropriate in the future.

Public Works Department Recommendation; Section II.I, Road Improvement and Circulation Policy

48. 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, a representative from the California Department of Forestry and Fire Protection, a representative from the California Department of Transportation, the applicant, the agent, and the road contractor shall occur. This meeting shall be conducted onsite. 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. The County Engineer shall verify that this condition has been met prior to issuance of any road improvement or encroachment permit required for this project and prior to the scheduling of any onsite inspection of road improvements.

Public Works Recommendation

49. 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 Notice of Intent to Comply with the Terms of the 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
Notice of Intent or 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. 44. If a permit is required, all provisions and requirements of the permit shall be completed prior to recordation of the final 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)

50. 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. 44. If a permit is required, all provisions and requirements of the permit shall be completed prior to recordation of the final 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.

CDFG recommendation; Fish and Game Code section 1603; Mitigation Measure 4.b.2

51. Immediately upon completion of the required road and encroachment improvements, the applicant shall re-vegetate all exposed soils and install other erosion control as recommended by the Natural Resource Conservation Service/Resource Conservation District (NRCS/RCD). The applicant shall also contact the NRCS/RCD for an inspection. Inspection fees shall be the responsibility of the application. A letter shall be submitted to the County Surveyor by NRCS/RCD stating that the re-vegetation and erosion control provisions have been completed.

52. All required signs 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.

Public Works Recommendation

53. Two stop signs shall be placed onsite, one at the intersection of the onsite easement roads, and one at the intersection of the onsite easement road and Highway 132. 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. If the road name sign is placed within the CalTrans right-of-way, the applicant shall obtain an encroachment permit for the sign prior to installation.

Public Works Recommendation

54. A sign stating "THIS ROAD IS NOT COUNTY MAINTAINED" shall be installed onsite at the intersection of the onsite easement roads. The design and specifications of the sign shall be in accordance with the County Improvement Standards and shall be approved by the County Engineer prior to installation.

Section III.A.4, Road Improvement and Circulation Policy
55. Two road name signs for the easement road connecting to Highway 132 shall be placed onsite, one at the intersection of the onsite easement road and Highway 132 and one at the intersection of the onsite easement roads. 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. If the road name sign is placed within the CalTrans right-of-way, the applicant shall obtain an encroachment permit for the sign prior to installation.

§16.12.175, County Subdivision Ordinance

56. A final Soils Report shall be submitted to the County Planning Department as required by Mariposa County Code Subdivision Ordinance, Title 16 §16.20.220 and applicable requirements of the Subdivision Map Act. The Soils Report shall be reviewed and approved by the County Engineer prior to final map recordation.

57. A declaration shall be recorded with the final map and referenced to the final map. The declaration shall state the following:

“All residential buildings, including mobile homes placed on foundations shall be constructed in compliance with the special foundation requirements stated in the Soils Investigation Report prepared for the subdivision as shown on the Final Map for Phillips and Haynes, recorded as Record of Survey No. ___, Mariposa County Official Records, and on file with the County Planning Department. A building permit shall not be issued for residences placed on foundations unless the foundations meet the foundation requirements contained in the Soils Investigation prepared for the subdivision. The foundation requirements must be incorporated in the building plan and permit.”

58. 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.

§16.12.395, Mariposa County Subdivision Code

Planning Conditions for Phase 2

59. The onsite easement road between the Phase 1 easement road and State Highway 132 shall be named in accordance with the criteria of County Resolution No. 92-541. A Road Name Request application for the onsite easement road shall be submitted to the Planning Department and be approved by the Planning Director. The name of the road within the project site shall be shown on the final map.

County Resolution 92-541

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

61. Project approval is valid for a period of three years from June 2, 2006. This approval shall expire on June 2, 2009.

§16.12.430, Mariposa County Subdivision Code

62. 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.

Health Department Conditions for Phase 2

63. Proof of water shall be provided on each of the twelve parcels prior to recordation of the final map for Phase 2 of this project. Proof of water shall be considered to be wells of proven capacity. Proven capacity shall be a well or wells capable of producing one thousand gallons per lot per twelve-hour day for each lot. Proof of production shall be an approved pump test of the well or wells certified by a licensed engineer, hydrogeologist, well driller with a C-57 license, or licensed well pump contractor. The minimum pump testing duration of the well or wells on each lot shall be the following: 3 hours for a well producing 10 gallons per minute (gpm) or more; 24 hours for a well producing 5 gpm to less than 10 gpm; and 3 days for a well producing less than 5 gpm. Additionally, a report of a completed well shall include a general mineral, physical and inorganic analysis as required under California Code of Regulations, Title 22, for non-transient, non-community water systems, and an analysis for coliform bacteria. A statement shall be recorded in Official Records concurrently with the final map and referenced on the final map that contains this requirement.

If any proposed parcel shall have a well that fails to meet proof of production and proof of production cannot be met on that parcel, the parcel in question shall be merged with an adjacent parcel and the merged parcel shall be shown on the final map for this subdivision.

64. Percolation tests and soils analysis tests shall be performed on each of the twelve parcels in accordance with Health Department rules and regulations. The results of these tests shall be submitted to the Mariposa County Health Department and be approved by the County R.E.H.S. prior to the commencement of any road improvements for this project. A letter from the County R.E.H.S. shall be submitted to the County Surveyor prior to the onsite pre-construction meeting required as Conditions of Approval No. 44 for Phase 2 of this project, stating that approved percolation tests and soils analysis tests have been performed on the parcels. If any proposed parcel shall have a percolation or soils analysis test that fails to meet the standards established by the Health Department and the Health Department standards for sewage disposal cannot be met on that parcel, the parcel in question shall be merged with an adjacent parcel and the merged parcel shall be shown on the final map for
this subdivision. A statement shall be recorded in Official Records concurrently with the parcel map and referenced on the parcel map as follows:

"Approved percolation tests and soils analysis tests have been performed on Parcels 9 through 20 as shown on the Final Map for Phillips and Haynes, recorded as Record of Survey No.____, Mariposa County Records, to verify the feasibility of installing an on-site septic disposal system. A map identifying the location of the approved percolation tests is on file in the County Health Department. If an on-site septic system is proposed for a portion of a parcel that has not had an approved percolation tests, additional percolation tests and design recommendations may be required."

§ 16.12.330, County Subdivision Ordinance

California Department of Forestry and Fire Protection Conditions for Phase 1

65. Prior to recordation of the final map for this project, the applicant shall have complied with all applicable SRA Fire Safe Regulations. A document shall be recorded and referenced on the final map that states:

"Future residential development of the Parcels as shown on the Final Map for Phillips and Haynes, recorded as Record of Survey No.____, Mariposa County Official Records, shall be required to conform with all applicable SRA Fire Safe Regulations (Public Resource Code 4290 and 4291). Furthermore, the development of the parcels is subject to all applicable SRA Fire Safe Regulations and the risk of fire hazards shall be reduced through compliance with Public Resource Code 4291."

Evidence that this condition has been satisfied shall be in the form of a letter from the California Department of Forestry (CDF) to the County Surveyor.

CEQA Mitigation Measures for Phase 2

66. There shall be established an open space easement and building setback of fifty [50] feet from the centerline of the east fork of Piney Creek, located within the project site as shown on the Tentative Map and which flows in a southwesterly direction to the main watercourse known as Piney Creek. There shall also be established an open space easement and building setback of fifty [50] feet from the bank of the man-made pond, located onsite as shown on the Tentative Map. A statement shall be recorded in Mariposa County Official Records concurrently with the parcel map and referenced on the parcel map as follows:

"No structures shall be constructed within the open space easements as shown on the Final Map for Phillips and Haynes recorded as Record of Survey No.____, Mariposa County Official Records, with the possible exception of necessary improvements, subject to approval by the California Department of Fish and Game. These necessary improvements may include construction of a bridge over Piney Creek, maintenance of the existing access road to the dam for the manmade pond, maintenance of the dam itself, maintenance of the existing access road to the irrigation pump in the manmade pond, and maintenance, use, and replacement of the irrigation pump. No portions of a sewage disposal system shall be constructed within the open space easement. No removal of vegetation shall be allowed within the open space easement except as may be necessary to meet fuel reduction requirements for clearance around structures as required by California Fire Safe Regulations Public Resource Code 4290 and 4291. A well or wells, water pipes, underground and above ground power lines, fencing, and other similar structures or improvements may be constructed within the open space easement subject to approval by
the California Department of Fish and Game. This easement shall be in perpetuity and shall restrict the use of the land within the easement."

Mitigation Measure 4.b.1

67. Prior to the recordation of a final map for the project, 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 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 road construction or for other purposes 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. 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.

Mitigation Measure 4.e.1

68. For all trees not identified for removal for road construction or other purposes as detailed in Condition No. 67 (Mitigation Measure 4.e.1), 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 document. During construction of onsite easement roads, all such oaks 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—environmental 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.

Mitigation Measure 4.e.2

Planning Department Recommendation on Offers of Dedication for Phase 2

A. 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 onsite easement road.