
**STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION**

Resolution
No. 2005-13

**A resolution conditionally approving Land Division Application
#2003-283, Kevyn Moberly, applicant. Assessor Parcel Number 17-
260-026**

WHEREAS an application for Land Division Application No. 2003-283 was received on December 5, 2003 from Kevyn Moberly for a property located approximately 2,700 feet south of the intersection of Highway 49 South and Worman Road, also known as Assessor Parcel Number 017-260-026; and

WHEREAS the application proposes the division of APN 017-260-026, a 22.8± acre parcel into 3 parcels of 5.1± acres, 5.2± acres, and 5.2± acres, and a 7.3± acre remainder. Access to the project parcels and remainder is proposed from Worman Road; and

WHEREAS the proposed 3 parcels are undeveloped. The proposed remainder has an existing mobile home on it, as well as a single family residence under construction; and

WHEREAS the property owners of APN 017-260-026 are Neal Jr. and Wanda Moberly, Trustees of the Moberly Family Trust dated January 4, 1999; and

WHEREAS Neal Jr. and Wanda Moberly are the parents of applicant Kevyn Moberly. The property owners authorized their son Kevyn Moberly to act on their behalf relative to the processing of Land Division Application No. 2003-283. Kevyn Moberly is building a residential structure on the proposed remainder; and

WHEREAS the property owners stated they submitted the application so they can give the remainder to their son, Kevyn Moberly and one parcel to their daughter. They are creating two additional parcels for possible future sale; and

WHEREAS the Planning Department circulated the land division application among trustee and responsible agencies, interested public organizations, and others as appropriate; and

WHEREAS based upon the narrow county maintained road issue, on the 26th day of February, 2004, the applicant submitted his written request to have his project put on hold pending county discussion of the matter; and

WHEREAS narrow county maintained roads are those roads which are maintained by the county, which are not improved to provide a full 18 feet of width for travel purposes; and

WHEREAS the project site is served by Worman Road which is a narrow county maintained road; and

WHEREAS the County Subdivision Ordinance does not require improvements to any county maintained road for minor subdivisions (tentative parcel maps); and

WHEREAS the Board of Supervisors did not initiate a countywide program to address the narrow county maintained road issue and consequently, land division projects accessed by narrow county maintained roads have to be considered on a case by case basis; and

WHEREAS the Planning Commission has acted on other land division projects served by narrow county maintained roads. The Planning Commission has only approved those projects where improvements will be made to the narrow county maintained roads and the California Department of Forestry and Fire Protection (CDF) finds those improvements will ensure safe and adequate access to the project parcels during an emergency event; and

WHEREAS on the 30th day of April, 2004, the applicant stated his intent to make improvements to Worman Road as part of his project, and to work with affected public agencies to determine the level of improvements necessary to ensure safe and adequate access to the project parcels during an emergency event; and

WHEREAS following meetings with both the Public Works Department and CDF, the applicant submitted a written proposal on the 17th day of June, 2004 describing the road improvements he proposed to incorporate into his Land Division Application No. 2003-283 and this proposal included the following:

“To the extent allowed by the existing right of way or access easements, a pullout and shoulder work will be provided along Worman Road between Shanney Creek Road to and including road segments within the project site. Work will be done in accordance with existing standards established by the County Improvement Standards and the State Fire Safe Standards. Recently, the county has improved the road whereby some of the improvements proposed below may have already been completed by the county. If this is the case, then the applicant proposes to complete the remaining items.

The pull-out and shoulder work shall include the following (to be prioritized by CDF). Mile 0.0 is at intersection of Highway 49 South and Worman Road:

- Shoulder improvements on south side (0.28 mi.)
- Shoulder improvements on both sides of the road (0.5 mi.)
- Shoulder improvements on south side (0.7 mi.)
- Shoulder improvements on south side (0.8 mi.)
- Shoulder improvements needed to bring road to 18-foot wide (0.9 mi.)
- Shoulder improvement needed to bring road to 18-foot wide (0.95 mi.)
- Improve a pull-out (1.05 mi.)

The proposal includes the option of the applicant doing the work through the encroachment permit process, or having the work done by the Public Works Department and paying the county for the actual cost of the work and materials. The applicant proposes to fund total costs for pull-out and shoulder work in an amount not to exceed \$5,000"; and

WHEREAS a duly noticed public hearing was scheduled for June 18, 2004; 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 Land Division Application No. 2004-283 on the 18th day of June 2004 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 on the 18th day of June 2004 the Planning Commission adopted Resolution No. 2004-27, adopting a Negative Declaration and approving Land Division Application No. 2004-283 with findings and conditions; and

WHEREAS the Notice of Determination was filed with the County Clerk on the 22nd day of June, 2004; and

WHEREAS the Department of Fish and Game filing fees for the Negative Declaration were paid to the County Clerk on the 22nd day of June, 2004; and

WHEREAS on the 8th day of July, 2004, an appeal of the Planning Commission's actions was received and that appeal is known as Appeal No. 2004-131; and

WHEREAS the appellants were David Mecchi, Caroleen Mecchi, and Beverly Mecchi, and the contact person was attorney Raymond L. Carlson from Griswold, LaSalle, Cobb, Down & Gin LLP; and

WHEREAS a duly noticed Board of Supervisors' public hearing for Appeal No. 2004-131 was scheduled for August 3, 2004; and

WHEREAS the Planning Department prepared a staff packet for the appeal public hearing in accordance with local administrative procedures; and

WHEREAS the staff packet included all of the information considered by the Planning Commission, prior to action on the project, as well as the Notice of Appeal and a staff analysis of appeal issues; and

WHEREAS the Board of Supervisors did hold a public hearing on Appeal No. 2004-131 on the 3rd day of August, 2004 and considered all of the information in the public record,

including the staff packet for the appeal public hearing, testimony presented by the public and appellants concerning the application, the comments of the applicant, the comments of the appellants attorney, and the comments of the applicant's attorney; and

WHEREAS on the 3rd day of August, 2004 the Board of Supervisors adopted Mariposa County Resolution No. 04-381, remanding Land Division Application No. 2003-283 for further consideration to the Planning Commission because staff pointed out that the notice requirements of the County Code with respect to posting of the notice in three community places was not met for the Planning Commission's public hearing; and

WHEREAS a duly and properly noticed Planning Commission public hearing for reconsideration of Land Division Application No. 2003-283 was scheduled for the 17th day of December 2004; and

WHEREAS a Staff Report and Initial Study were prepared for the December 17, 2004 public hearing pursuant to the California Government Code, Mariposa County Code, California Environmental Quality Act, and local administrative procedures; and

WHEREAS on the 17th day of December 2004, the Planning Commission continued the public hearing to the 4th day of February 2005. The purpose of the continuance was to give staff and the applicant time to review significant new information submitted by Raymond L. Carlson; and

WHEREAS on the 4th day of February, 2005, the Planning Commission continued the public hearing to the 4th day of March 2005. The continuance was requested by the applicant's attorney, John O. Jamison, to ensure adequate time to submit additional information to support the recommended project action; and

WHEREAS between the 17th day of December 2004 and the 4th day of March 2005 the applicant made some written amendments to the project; and

WHEREAS the first written amendment specified that the applicant's project description was revised to include a limitation on future residential development on each parcel to one single family residence per parcel. The applicant proposed to record covenants, conditions and restrictions (CC&Rs) with the recorded map, to implement the amendment; and

WHEREAS the second written amendment was a result of the applicant's submittal of information to show that there is surface water available to serve the project parcels. Consequently, the source of the water for future residential development is not limited to ground water; and

WHEREAS the third written amendment specified that the applicant's project description was revised to include a provision that the ownership of water rights under License 5315 (Permit No. 16336, State Water Resources Control Board, Division of Water Rights) would be transferred to the new owners of the property at the time any of the individual parcels are transferred; and

WHEREAS between the 17th day of December 2004 and the 4th day of March 2005, additional new information was submitted by the applicant and gathered by County of Mariposa

staff, to address some of the concerns raised by the public through the public review process; and

WHEREAS the new information included correspondence dated January 31, 2005 from County Health Department employee and Registered Environmental Health Specialist David L. Conway to Sarah Williams. The correspondence described Conway's findings, following a review of permit file information for all parcels within a ½ mile radius of the project site. Conway reviewed septic system permit files and well permit files; and

WHEREAS the new information included evidence that the property owners have a State-appropriation for water from two off-site springs, as well as pre-1914 water rights to surface water from nearby drainages. Although there are two wells on the project site, the current residential development on-site utilizes spring water; and

WHEREAS the new information included correspondence dated February 25, 2005 from County Planning Department Deputy Director Sarah Williams to the Planning Commission. The correspondence summarized the information submitted on surface water available to the project site. The correspondence also summarized the County's Subdivision Ordinance provisions for proof of water for residential development; and

WHEREAS the new information included correspondence dated January 24, 2005 from Registered Civil Engineer 31487, Lyle D. Brewer to John Jamison, regarding his measurements of actual flow from the larger of the two off-site springs; and

WHEREAS the new information included a list of past projects, current future projects and probable future projects off of Worman Road; and

WHEREAS the Planning Commission did hold a public hearing on the 4th day of March 2005 and considered all of the information in the public record, including the Staff memorandum to the Planning Commission dated February 25, 2005, the Initial Study and Staff Report prepared for the Planning Commission meeting of December 17, 2004, testimony presented by the public concerning the application, the comments of the applicant, the comments of agents, and all written correspondence; and

WHEREAS following the staff presentation and public input, the Planning Commission closed the public portion of the public hearing, deliberated, and acted to direct staff to bring back a resolution for project action. The Planning Commission directed staff to prepare a resolution for action to adopt a negative declaration and approve the project with findings and conditions; and

WHEREAS the Planning Commission continued the public hearing to Friday, April 8, 2005 at 9:00 a.m. or as soon thereafter as possible in order to give staff adequate time to prepare the resolution.

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

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby approve Land Division Application No. 2003-283.

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

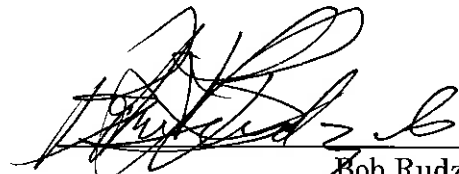
ON MOTION BY Commissioner Crain, seconded by Commissioner Ludington, this resolution is duly passed and adopted this 8th day of April, 2005 by the following vote:

AYES: Ludington, Ross, Rudzik, Skyrud and Crain

NOES: None

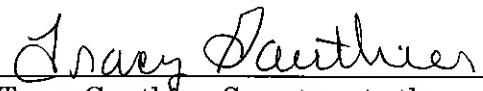
EXCUSED: None

ABSTAIN: None



Bob Rudzik, Chairman
Mariposa County Planning Commission

Attest:



Tracy Gauthier, Secretary to the
Mariposa County Planning Commission

Exhibit 1 – Project Findings

Pursuant to Mariposa County Zoning Ordinance, Section 16.16.040, and based upon the review of the project by affected agencies and the conditions applied to the project approval, the following findings are made:

1. Based on site inspections, the project description, review of all available information including the staff report and initial study, and the size and the number of parcels proposed the site is physically suited for low-density homes and appurtenant improvements such as septic systems provided that all conditions of approval for the map are met. Additionally, the site is physically suited for the density allowed in this zone. The proposed project is located within the Mountain Home Zone. The subdivision density is designed in accordance with the Mountain Home zoning.

The County has adopted procedures, standards and policies for soils testing for subdivisions for future installation of septic systems. The testing will occur prior to map recordation. These procedures, standards and policies are uniformly applied throughout the county, and have been successful in determining the adequacy of soils on-site for future installation of septic systems on subdivision parcels. In addition, the Health Department staff reviewed all permits for septic disposal systems on parcels within ½ mile radius of the project site. The Health Department evaluated information available for the project site and surrounding properties relative to soil conditions and the existing septic systems on-site. The Health Department did not find evidence of septic system failures of systems installed by permit. Based upon this review, there is no information to show that this project site and area are peculiar relative to soils and topography. There is no information to show that the uniformly applied procedures, standards and policies will be unsuccessful in mitigating potential environmental effects of new septic systems on the project parcels.

The applicant has proposed to limit future residential development to one single family residence per parcel. There are adequate building sites on the undeveloped Parcels 1, 2, and 3 for future development of a single family residence.

Access to the project site is via Worman Road, a county maintained road. The applicant has proposed off-site improvements to Worman Road, in order to meet minimum road requirements established by the State Fire Safe Standards. The applicant has addressed CDF (California Department of Forestry and Fire Protection) concerns relative to access.

There is information available which supports a finding that there is adequate water available to the project site. The review of Health Department permit file information for wells drilled within ½ mile radius of the project site show that all wells in the area are high producing wells for residential uses at depths of around 200 feet. There is no information available in the County's well permit files to substantiate claims that the area has a declining ground water problem or that there are severely limited water supplies in the area. There is adequate surface water available to the site to serve over 11 lots if on-site storage is provided, or over 5 lots if no on-site storage is provided.

2. The Initial Study prepared for the project found that it would have a less than significant effect on the environment with conditions of approval imposed. Substantial evidence was

submitted to the Planning Commission, to address the numerous environmental and other concerns raised through the public review process. This included information from a licensed civil engineer and information from the County's Registered Environmental Health Specialist regarding a review of permit files in the area of the project site as well as a review of the project site itself.

According to the Department of Fish and Game's Natural Diversity Data Base and Areas of Special Biological Importance Map for Mariposa County, there are no special, rare, or endangered animal or plant species, or wildlife resources located on the project site and the surrounding area that would be affected by approval of this project.

The California Department of Fish and Game (CDFG) previously determined the project may have an adverse impact on wildlife resources and potential habitat areas. CDFG filing fees of (\$1,250) for a negative declaration as required by AB 3158 and a County Clerk fee of (\$25) were paid on the 22nd day of June, 2004 when the notice of determination was previously filed for this project. Because the action to file a new notice of determination will be for the same project, CDFG filing fees will not be required to be re-paid.

3. Based on site inspections, the project description, review of all available information including the staff report and initial study, this land division and its subsequent use for low-density residential purposes will not 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 or water systems, and sewage disposal systems. The regulations require issuance of permits and on-site inspections. The implementation of these existing regulations and requirements will ensure that serious health problems will not occur on the site.
4. The proposed map is consistent with the 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. 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. The project will not conflict with any public easement.
7. This land division application has been processed and reviewed in accordance with standards set forth in the Subdivision Map Act and Title 16, County Subdivision Ordinance, as well as the public hearing and public noticing requirements set fourth in the Title 17, County Zoning Ordinance. When the required conditions are met, the project will be in compliance with the Subdivision Map Act and the County Subdivision Ordinance.

Pursuant to California Administrative Code, Section 15070, and based upon the record and file information, the review of the project by affected agencies and the conditions applied to the project approval, it is found that:

8. (1) no unique or significant natural features including but not limited to animal life, fish life, or plant life, or its habitat or movement are to adversely affected; (2) No known archeological, cultural, historical, recreational, or scenic sites are to be adversely affected; (3) The project will not result in a significant dislocation of people; (4) The project will not result in a substantial detrimental effect on air or water quality or on ambient noise levels; (5) The project will not breach any published national, state or local standards relating to solid waste or litter control; (6) The project will not have a substantial and demonstrable negative aesthetic effect; (7) The project will not create hazards including but not limited to flooding, erosion, or siltation; (8) The project is not subject to major known geologic hazards; (9) The project will not result in the need for public services beyond those presently available or proposed in the near future; (10) The project will not have a significant growth-inducing impact; (11) The project does not appear to generate major substantiated environmental controversy. Substantial evidence has been submitted into the record to support the environmental determination.

The County has considered the effects of the land division project in connection with the effects of past projects, the effects of other current future projects, and the effects of probable future projects. The last subdivision processed for a parcel served by Worman Road was in the early 1970s. The parcel map for that project (Parcel Map Book 6 Page 27, Mariposa County Official Records) was recorded on July 18, 1973. There have been no other discretionary projects processed for any parcels served by Worman Road for the past 15 years. There are no current applications for discretionary projects for any parcels served by Worman Road on file. There are no other known probable future discretionary projects for any parcels served by Worman Road. This information supports the finding that the project will not have cumulatively considerable impacts.

Project Conditions and Monitoring Plan – Exhibit 2

Project Applicant Name: Kevyn Moberly
Project Approval Date: April 8, 2005

File Number: LDA No. 2003-283

Approved project is Tentative Parcel Map showing division of APN 017-260-026, a 22.8± acre parcel into 3 parcels of 5.1± acres, 5.2± acres, and 5.2± acres, and a 7.3± acre remainder. Access is from Worman Road. The project proposal as submitted and amended by the applicant includes the following:

A. Off-site road improvements to Worman Road as follows:

“To the extent allowed by the existing right of way or access easements, a pullout and shoulder work will be provided along Worman Road between Shanney Creek Road to and including road segments within the project site. Work will be done in accordance with existing standards established by the County Improvement Standards and the State Fire Safe Standards. Recently, the county has improved the road whereby some of the improvements proposed below may have already been completed by the county. If this is the case, then the applicant proposes to complete the remaining items.

The pull-out and shoulder work shall include the following (to be prioritized by CDF, the California Department of Forestry and Fire Protection). Mile 0.0 is at intersection of Highway 49 South and Worman Road.

- Shoulder improvements on south side (0.28 miles)
- Shoulder improvements on both sides of the road (0.5 miles)
- Shoulder improvements on south side (0.7 miles)
- Shoulder improvements on south side (0.8 miles)
- Shoulder improvements needed to bring road to 18-foot wide (0.9 miles)
- Shoulder improvements needed to bring road to 18-foot wide (0.95 miles)
- Improve a pull-out (1.05 miles)

The applicant proposes to have the option of doing the work through the encroachment permit process, or having the work done by the Public Works Department and paying the county for the actual cost of the work and materials. The proposal is to fund total costs for pull-out and shoulder work in an amount not to exceed \$5,000.

The off-site road improvements or the payment to the Public Works Department shall be met prior to recordation of the parcel map, as approved by CDF and the Public Works Department.

- B. The project includes a limitation on new residential development. Parcels will be limited to one single family residence per parcel. Covenants, conditions and restrictions (CC&Rs) will be developed and recorded concurrently with the map and referenced on the map. The format of the reference language shall be in accordance with requirements established by the County Surveyor.

This proposal shall be met prior to recordation of the parcel map. CC&Rs shall be submitted to the Planning Director for review and approval, prior to map recordation.

- C. The project includes a provision that ownership of water rights under License 5315 (Permit No. 16336) will be transferred to the new owners of the project parcels, at the time any of the individual parcels are transferred.

Because property transfer cannot occur prior to map recordation, a notice shall be recorded concurrently with the parcel map and referenced on the parcel map advising future owners of this project provision. This notice shall serve as constructive notice to future owners regarding transfer of water rights. The format of the notice shall be in accordance with requirements established by the County Surveyor.

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

Sign-Off Checklist for List of Conditions of Approval		
	Monitoring Dept.	Verified Implemented
CONDITIONS OF APPROVAL / PUBLIC WORKS DEPARTMENT		
<p>1. Prior to parcel map recordation, one of the following two requirements shall be met:</p> <p>a) The applicant shall provide evidence to the County Engineer and CDF that a driveway to and turnaround at a potential building site on Parcel 1 can be constructed to meet county encroachment and sight distance standards, and state fire safe driveway standards.</p> <p style="text-align: center;">OR</p> <p>b) The applicant shall provide access to Parcel 1 through Parcel 2 in accordance with applicable conditions of this resolution and all of the following:</p> <p>i) a private non-exclusive 60-foot wide easement from Worman Road to Parcel 1;</p> <p>ii) an improved Rural Class I Road from Worman Road to Parcel 1, constructed in accordance with all Mariposa County Improvement Standards and State Fire Safe Regulations including revegetation following construction;</p> <p>iii) encroachment improvements at Worman Road, in accordance with all conditions applied through an encroachment permit;</p> <p>iv) a road name application and road name signage in accordance with all applicable provisions of county road policies;</p> <p>v) a recorded private road maintenance association for the road, in accordance with standard requirements for associations.</p>	Public Works	
<p>2. Prior to parcel map recordation, one of the following two requirements shall be met:</p> <p>a) The applicant shall provide evidence to the County Engineer and CDF that a driveway to and turnaround at a potential building site on Parcel 3 can be constructed to meet county encroachment and sight</p>	Public Works	

<p>distance standards, and state fire safe regulation driveway standards. OR b) The applicant shall provide access to Parcel 3 through the Remainder in accordance with applicable conditions of this resolution and all of the following: i) a private non-exclusive 60-foot wide easement from Worman Road to Parcel 3; ii) an improved Rural Class I Road from Worman Road to Parcel 3, constructed in accordance with all Mariposa County Improvement Standards and State Fire Safe Regulations including revegetation following construction; iii) encroachment improvements at Worman Road, in accordance with all conditions applied through an encroachment permit; iv) a road name application and road name signage in accordance with all applicable provisions of county road policies; v) a recorded private road maintenance association for the road, in accordance with standard requirements for associations.</p>		
<p>3. An encroachment permit shall be obtained from the Mariposa County Public Works Department prior to any work being done on or adjacent to Worman 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).</p>	Public Works	
<p>4. Prior to parcel map recordation, one of the following two requirements shall be met: a) The “roughed in” Worman Road encroachment on the southeastern side of the Remainder, serving the back side of the residence currently under construction shall be abandoned, closed off, and revegetated as approved by the Public Works Department through the encroachment permit process. This shall include removal of the culvert for the manmade drainage ditch. All encroachment improvements shall be completed prior to parcel map recordation. OR b) The “roughed in” encroachment and the existing driveway encroachment serving the mobile home shall be relocated and combined through the encroachment permit process. A culvert for the manmade drainage ditch shall be incorporated into the improvements, to allow for use of the drainage ditch, should it become used in the future. All encroachment improvements shall be completed prior to parcel map</p>	Public Works	

<p>recordation in accordance with all requirements established by the County Engineer (Public Works Department Recommendation).</p>		
<p>5. All required signs, with the exception of street name 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.</p>	<p>Public Works</p>	
<p>6. If needed pursuant to Conditions 1.b and 2.b of this resolution, a road name sign for the on-site easement road(s) shall be placed at the intersection of the easement roads and Worman Road prior to parcel 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. (Section 16.12.175, County Subdivision Ordinance).</p>	<p>Public Works</p>	
<p>7. If needed pursuant to Conditions 1.b and 2.b of this resolution, a stop sign shall be placed at the intersection of the on site easement(s) and Worman Road. The stop sign(s) shall be installed on metal breakaway type posts prior to map recordation. The design and placement of sign(s) shall be approved by the County engineer prior to installation.</p>	<p>Public Works</p>	
<p>8. If needed pursuant to Conditions 1.b and 2.b of this resolution, a road maintenance association(s) shall be formed to provide for the maintenance of the on-site road easement(s). Maintenance shall include, but not be limited to, drainage and erosion control devices, fuel modification, and upkeep of road surfaces. The Road Maintenance Association provisions shall be developed by the applicant so those parcels served by the easement road(s) 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> <ul style="list-style-type: none"> a. Be in effect for a period of not less than thirty (30) years unless said maintenance is taken over by the County, a special district, or other governmental entity. b. Provide for annual maintenance and the immediate correction of emergency and hazard situations. c. Include 100% of the parcels in the subdivision served by the access road. d. Provide a mechanism for the road maintenance association to collect delinquent payments or assessments for the maintenance described above by filing a lien on the delinquent properties with the power of sale. e. Provide a mechanism for new parcels to be added to the association. 	<p>Public Works</p>	
<p>10. Fuel modification shall be performed within all road easements on-site. The method and type of fuel modification shall be done in accordance with the Mariposa County Road Improvement and Circulation Policy and shall be approved by the County Engineer. All</p>	<p>Public Works</p>	

burning of slash or brush piles shall be done in accordance with CDF and Mariposa County Air Pollution Control District burning procedures and requirements.		
11. Verification of Taxes Paid shall be submitted to the County Surveyor prior to recordation of the Parcel Map.	Public Works	
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, Mariposa County Resource Conservation District, the applicant, the agent, 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. The County engineer shall verify that this condition has been met prior to issuance of any road improvement or encroachment permit required for this project and prior to the scheduling of any on-site inspection of road improvements.	Public Works	
13. If determined necessary by the County Surveyor, a dedication of a minimum of thirty (30) feet from the centerline of Worman Road within the project site shall be re-offered to the County of Mariposa. The offer of dedication shall be non-revocable and specifically state 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. (Section 16.12.150, County Subdivision Ordinance; Section II.A.3, Road Improvement and Circulation Policy)	Public Works	
CONDITIONS OF APPROVAL / MARIPOSA PLANNING		
14. 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.	Mariposa Planning	
15. The Remainder shall be shown on the parcel map, so that the offers of dedication along Worman Road can be made.	Public Works	
16. A declaration shall be recorded concurrently with and referenced on the parcel map stating: "There shall be no county development permit (including, but not limited to a well permit, a septic permit, a grading permit, and/or a structure permit) issued to the Remainder as shown on the Parcel Map for _____ recorded in Book __ at Page __, Mariposa County Records until all of the subdivision conditions for the remainder as established by the Planning Commission have been met. The remainder is not a parcel available for sale, lease or finance until all of the subdivision conditions for the remainder have been met. The remainder may or may not be surveyed."	Public Works	
17. A declaration shall be recorded with the parcel map and shall be	Public Works	

<p>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 as shown on the Parcel Map for _____ recorded in Book __ at Page __, Mariposa County Records in accordance with Section 16.04.030 of Mariposa County Code.” (Section 16.04.030, County Subdivision Ordinance)</p>		
---	--	--

CONDITION OF APPROVAL / CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION (CDF)

<p>18. Prior to Parcel Map recordation, the applicant shall have complied with all applicable <i>SRA Fire Safe Regulations</i>. A document shall be recorded and referenced on the Parcel Map that states:</p> <p>“Future residential development on Parcel 1, Parcel 2, Parcel 3, and the Remainder as shown on the Parcel Map for _____ recorded in Book __ at Page __, Mariposa County 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 and remainder is subject to all applicable <i>SRA Fire Safe Regulations</i> and the risk of fire hazards shall be reduced through compliance with Public Resource Code 4291.”</p>	<p>California Department of Forestry</p>	
--	--	--

CONDITION OF APPROVAL / HEALTH DEPARTMENT

<p>19. Percolation tests and soils analysis tests shall be performed on Parcels 1, 2 and 3 in accordance with Health Department rules and regulations. The results of these tests shall be submitted to the Mariposa County Health Department and approved by the Registered Environmental Health Specialist prior to recordation of the parcel map. A letter from the Registered Environmental Health Specialist shall be submitted to the County Surveyor stating that approved percolation tests and soils analysis tests have been performed on the parcel. 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 Parcel 1, Parcel 2 and Parcel 3 as shown on the Parcel Map for _____, recorded in Book _____ of Parcel Maps at Page _____, Mariposa County Records, to verify the feasibility of installing an on-site septic disposal system. A map identifying the location of the approved percolation tests is on file in the County Health Department. If an on-site septic system is proposed for a portion of a parcel that has not had an approved percolation tests, additional percolation tests and design recommendations may be required.”</p>	<p>Mariposa County Health</p>	
--	-------------------------------	--

CONDITION OF APPROVAL / MARIPOSA COUNTY RESOURCE CONSERVATION DISTRICT

20. Immediately upon completion of 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.	NRCS/RCD	
REMAINDER CONDITIONS		
21. Following recordation of the parcel map, and upon submission of a complete application, a Certificate of Compliance shall be recorded on the remainder, in accordance with Section 16.04.030, County Subdivision Ordinance. Fees associated with the recordation of the certificate of compliance shall be paid by the applicant.	Mariposa Planning	
MITIGATION MEASURES: NONE		

Agency Contact List				
AGENCY	CONTACT	PHONE NUMBER EMAIL	SITE ADDRESS	MAILING ADDRESS
Mariposa Planning	Sarah Williams	209-742-1215 swilliams@mariposacounty.org	5100 Bullion Street Mariposa CA 95338	P.O. Box 2039 Mariposa CA 95338
Public Works	Jerry Freeman	209-966-5356	4639 Ben Hur Road Mariposa CA 95338	Same as site
Health Department	Dave Conway	209-966-2220	5100 Bullion Street Mariposa CA 95338	P.O. Box 5 Mariposa CA 95338
Mariposa County Resource Cons. District	Jerry Progner	209-966-3431	5009 Fairgrounds Rd Mariposa CA 95338	P.O. Box 746 Mariposa CA 95338
Cal. Dept of Forestry	Dennis Townsend	209-966-3622	5366 Highway 49 North Mariposa CA 95338	Same as site

Certificate of Completion:

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

Environmental Coordinator

Date

Explanation of Headings:

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