

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

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution
No. 2005-27

**A resolution conditionally approving Major Subdivision
Application No. 2004-186, Paul McLaughlin, applicant. Assessor
Parcel Number 017-390-009.**

WHEREAS an application for a major subdivision was received on September 17, 2004 from Paul McLaughlin for a property located at 4332 Old Highway in the Bridgeport area, approximately 1500 feet northeast of the intersection of Old Highway and Buckeye Road, with Old Highway adjacent to the north and west boundaries of the project site, also known as Assessor Parcel Number 017-390-009; and

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

WHEREAS staff inspected the project site and found that the property had the potential to contain cultural and biological resources; and

WHEREAS the applicant provided additional information to the Planning Department regarding the potential for these resources so that the application could be considered to be complete and accurate; and

WHEREAS a duly noticed public hearing was scheduled for the 19th day of August, 2005; 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.

NOW THEREFORE, BE IT RESOLVED THAT the Planning Commission of the County of Mariposa does hereby adopt 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. 2004-186; and

BE IT THEREFORE FINALLY 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 of this resolution.

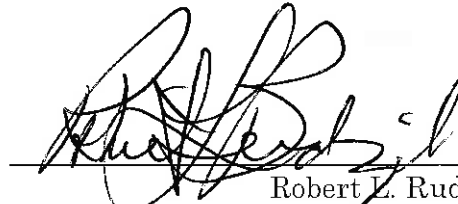
ON MOTION BY Commissioner Ludington, seconded by Commissioner Skyrud, this resolution is duly passed and adopted this August 19, 2005 by the following vote:

AYES: Commissioners Ludington, Ross, Rudzik, and Skyrud

NOES: None

EXCUSED: Commissioner De Santis

ABSTAIN: None


Robert L. Rudzik, Chair
Mariposa County Planning Commission

Attest:



Tracy Gauthier, Secretary to the
Mariposa County Planning Commission

Exhibit 1—Findings

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 seven parcels that are all approximately five to 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, wells, and access roads 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, 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 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 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. Additionally, all future residential uses will be required to comply with the State Fire Safe Standards as mandated by California Public Resource Code Sections 4290 and 4291, which will eliminate any potential health and safety issues related to fire protection.

4. **FINDING:** The proposed map is consistent with applicable general 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 A, C, and D have frontage on Old Highway South and the proposed easements providing access to Parcels A, B, D, E, F, and G will take access from Old Highway South, 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 and Mitigation Measures

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

	Monitoring Dept.	Verified Implemented
CONDITIONS OF APPROVAL / PUBLIC WORKS DEPARTMENT		
<p>1. The road easement from Old Highway to the cul-de-sac on Parcels B and G shall be made 60 feet wide and non-exclusive. The road easement from Old Highway through Parcel D to the cul-de-sac on Parcel E shall be made 60 feet wide and non-exclusive. A cul-de-sac easement with a radius of 60 feet shall be provided at the end of each onsite easement road to encompass the required cul-de-sac improvements. Additional easement width may be required to encompass the required road improvements, including turnouts and associated cuts and fills, in accordance with the County Improvement Standards and Road Improvement and Circulation Policy. The easements shall be offered for dedication to the County of Mariposa. The offers of dedication shall be non-revocable and specifically state on the final map that the dedications are for "public road and utility purposes."</p> <p>§16.20.130, County Subdivision Ordinance; Road Standard Cross-sections, Road Improvement and Circulation Policy.</p>	Public Works	
<p>2. A dedication of 30 feet from the centerline of Old Highway South through 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.</p> <p>§16.12.150, County Subdivision Ordinance; Section II.A.3, Road Improvement and Circulation Policy</p>	Public Works	
<p>3. The existing utility easements on the property shall be surveyed to determine their location. The location of the existing utility easements shall be shown on the final map recorded for this subdivision.</p> <p>Public Works Recommendation</p>	Public Works	

<p>4. An encroachment permit shall be obtained from the Mariposa County Public Works Department prior to any work being done on or adjacent to Old Highway. 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.</p> <p>Chapter 11, County Improvement Standards</p>	<p>Public Works</p>	
<p>5. The road within the easement from Old Highway to the cul-de-sac on Parcels B and G shall be improved to a Rural Class I A 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. 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</p> <p>§16.12.170, County Subdivision Ordinance; Chart A and Section II.D.2.a, Road Improvement and Circulation Policy.</p>	<p>Public Works</p>	
<p>6. The road within the easement from Old Highway to the cul-de-sac on Parcel E shall be improved to a Rural Class I A 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. 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</p> <p>§16.12.170, County Subdivision Ordinance; Chart A and Section</p>	<p>Public Works</p>	

II.D.2.a, Road Improvement and Circulation Policy.		
<p>7. A cul-de-sac shall be constructed at the terminus of the more northerly on-site easement road, located on Parcels B and G. The cul-de-sac shall be improved to meet county standards and shall meet these standards at the time of final map recordation. The required cul-de-sac improvements shall be completed in accordance with the Road Improvement and Circulation Policy and the County Improvement Standards and shall be inspected and approved by the County Engineer prior to recordation of the final 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 final map, the County Surveyor shall confirm that this condition has been met.</p> <p>Section 11.4(B)(9) County Improvement Standards</p>	Public Works	
<p>8. A cul-de-sac shall be constructed at the terminus of the more southerly on-site easement road, located on Parcel E. The cul-de-sac shall be improved to meet county standards and shall meet these standards at the time of final map recordation. The required cul-de-sac improvements shall be completed in accordance with the Road Improvement and Circulation Policy and the County Improvement Standards and shall be inspected and approved by the County Engineer prior to recordation of the parcel map. 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 final map, the County Surveyor shall confirm that this condition has been met.</p> <p>Section 11.4(B)(9) County Improvement Standards</p>	Public Works	
<p>9. Access to Parcel A shall be limited to the northerly proposed onsite easement. No further encroachment permits to Old Highway 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 A. The declaration shall state the following: "Approved access for residential development of Parcel A as shown on the Final Map for McLaughlin, recorded as Record of Survey No. _____, Mariposa County Records is from <u>(insert approved road name)</u>, and no additional encroachments shall be granted to this parcel from Old Highway."</p>	Public Works	

<p>The County Engineer will confirm that this condition has been met prior to map recordation.</p> <p>Public Works Recommendation</p>		
<p>10. Driveway access to Parcel C from Old Highway shall be located as approved by the Department of Public Works. A one-foot wide "access denied" strip shall be shown on the final map adjacent to Old Highway on Parcel C except in the location of the approved driveway easement. Prior to recordation of the final map, the County Engineer shall confirm that the location of the driveway has been marked on the final map and that a declaration will be recorded with the final map and referenced on the final map and made appurtenant to Parcel C. The declaration shall state the following:</p> <p style="padding-left: 40px;">"Approved access for residential development of Parcel C shall be from the northern portion of the lot as depicted on the Final Map for McLaughlin, Filed <date> as Record of Survey No. _____, Mariposa County Official Records."</p>	Public Works	
<p>11. Access to Parcel D shall be limited to the southerly proposed onsite easement. No further encroachment permits to Old Highway 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 D. The declaration shall state the following:</p> <p style="padding-left: 40px;">"Approved access for residential development of Parcel D as shown on the Final Map for McLaughlin, recorded as Record of Survey No. _____, Mariposa County Records is from <u>(insert approved road name)</u>, and no additional encroachments shall be granted to this parcel from Old Highway."</p> <p>The County Engineer will confirm that this condition has been met prior to map recordation.</p> <p>Public Works Recommendation</p>	Public Works	
<p>12. A road maintenance association shall be formed to provide for the maintenance of the roads in the onsite easements. 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 roads shall be responsible for road maintenance. These provisions shall be reviewed and approved by the County</p>	Public Works	

<p>Engineer prior to recordation of the final 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 roads. d. Provide a mechanism for the road maintenance association to collect delinquent payments or assessments for the maintenance described above by filing a lien on the delinquent properties with the power of sale. e. Provide a mechanism for new parcels to be added to the association. <p>Public Works Recommendation</p>		
<p>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 and prior to issuance of any encroachment permit for the required improvements, a consultation meeting with the Public Works Department, 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.</p> <p>Public Works Recommendation</p>	Public Works	
<p>14. Pursuant to the Mariposa County Road Improvement and Circulation Policy Section II.D.1.(4), frontage improvements to Old Highway as determined by the Public Works Department shall be required prior to map recordation. These improvements shall be determined by the Public Works Department during the onsite pre-construction meeting as required by Condition of Approval No. 13. These improvements shall be completed in accordance with all applicable County policies, and shall be inspected and approved by the County Engineer at the time of recordation of the final map for this project.</p>	Public Works	

<p>15. Prior to the commencement of any road improvements, road construction or other road building or maintenance activities required as a condition of approval for this project, the applicant shall contact the Regional Water Quality Control Board to determine if a General Permit for Discharges of Storm Water Associated with Construction Activity is required. If required, the applicant shall obtain the permit prior to commencement of construction activities. A copy of the approved permit or evidence that a permit is not required shall be submitted to the Public Works Department by the applicant prior to the onsite consultation meeting required by Condition of Approval No. 13. 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.</p> <p>State Water Quality Control Board Order No. 99-08-DWQ, National Pollutant Discharge Elimination System (NPDES); Mitigation Measure 4.b.2</p>	<p>Public Works</p>	
<p>16. 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) or the Department of Public Works (DPW). The applicant shall also contact the NRCS/RCD or DPW for an inspection. Inspection fees shall be the responsibility of the application. A letter shall be submitted to the County Surveyor by NRCS/RCD or DPW stating that the re-vegetation and erosion control provisions have been completed.</p>	<p>Public Works</p>	
<p>17. 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.</p> <p>Public Works Recommendation</p>	<p>Public Works</p>	
<p>18. Two stop signs shall be placed onsite, one at the intersection of each onsite easement road and Old Highway. 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.</p> <p>Public Works Recommendation</p>	<p>Public Works</p>	

<p>19. Two signs stating "THIS ROAD IS NOT COUNTY MAINTAINED" shall be installed onsite, one at the intersection of each onsite easement and Old Highway prior to map recordation. The design and specifications of the sign shall be in accordance with the County Improvement Standards and shall be approved by the County Engineer prior to installation.</p> <p>(Section III.A.4, Road Improvement and Circulation Policy)</p>	Public Works	
<p>20. A road name sign for each onsite easement road shall be placed at the intersection of the easement road and Old Highway 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.</p> <p>§16.12.175, County Subdivision Ordinance</p>	Public Works	
<p>21. A Verification of Taxes Paid Form, acquired no sooner than 30 days prior to the recordation of the final map, shall be submitted to the County Surveyor.</p> <p>§16.12.395, Mariposa County Subdivision Code</p>	Public Works	
<p>22. 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.</p>	Public Works	
<p>23. 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.</p>	Public Works	
<p>24. A declaration shall be recorded with the final map and referenced on the final map. The declaration shall state the following:</p> <p>"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 Spring Hill Estates Subdivision Phase III 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."</p>	Public Works	

CONDITION OF APPROVAL / MARIPOSA PLANNING		
<p>25. The onsite easement roads shall both be named in accordance with the criteria of County Resolution No. 92-541. A Road Name Request application for each onsite easement road shall be submitted to the Planning Department and be approved by the Planning Director. The names of the roads within the project site shall be shown on the final map.</p> <p>County Resolution 92-541</p>	Mariposa Planning	
<p>26. Project approval is valid for a period of three years from August 19, 2005. This approval shall expire on August 19, 2008.</p> <p>§16.12.430, Mariposa County Subdivision Code</p>	Mariposa Planning	
<p>27. 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).</p> <p>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 cashiers check or money order payable to "Mariposa County;" The County Clerk will not accept a personal check for these fees. Submit the check to Mariposa Planning who will file this fee and other required documents with the County Clerk.</p> <p>§16.12.390, Mariposa County Subdivision Code</p>	Mariposa Planning	
<p>28. 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,</p>	Mariposa Planning	

<p>and hold harmless the County, or any agency or instrumentality thereof, against any and all claims, actions, suits, proceedings, or judgments against another governmental entity in which Owner's project is subject to that other governmental entity's approval and a condition of such approval is that the County indemnify and defend such governmental entity. County shall promptly notify the Owner of any claim, action, or proceeding. County will further cooperate in the defense of the action.</p> <p>An agreement on a form approved by Mariposa County Counsel shall be executed within twenty (20) working days of the date of project action. Non-compliance with this condition may result in revocation of project approval by the county.</p>		
<p>CONDITIONS OF APPROVAL/ MARIPOSA COUNTY HEALTH DEPARTMENT</p>		
<p>29. Proof of water shall be provided on Parcels A, B, C, D, E, and G prior to recordation of the final map for 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.</p> <p>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.</p> <p>§16.20.230.C, Mariposa County Subdivision Code</p>	<p>Environmental Health</p>	
<p>30. Percolation tests and soils analysis tests shall be performed on Parcels A, B, C, D, E, and G 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 recordation of the parcel map. A letter from the County R.E.H.S. shall be submitted</p>	<p>Environmental Health</p>	

<p>to the County Surveyor stating that approved percolation tests and soils analysis tests have been performed on the parcel(s). A statement shall be recorded in Official Records concurrently with the parcel map and referenced on the parcel map as follows:</p> <p>“Approved percolation tests and soils analysis tests have been performed on Parcels A, B, C, D, E, and G as shown on the Final Map for McLaughlin, 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.”</p> <p>§ 16.12.330, County Subdivision Ordinance</p>		
CONDITIONS OF APPROVAL/CALIFORNIA DEPARTMENT OF FORESTRY & FIRE PROTECTION		
<p>31. Prior to recordation of the final map, all applicable State Fire Safe Regulations shall be met. A letter shall be submitted to the County Surveyor by CDF stating this condition has been met.</p>	CDF	
CEQA MITIGATION MEASURES		
<p>32. There shall be established an open space buffer and building setback of fifty [50] feet from the centerline of the unnamed stream that is located along the property line of proposed Parcels C, D, E, & F [as shown on the Tentative Map] and which flows in a southeasterly direction to Buckeye Creek. A statement shall be recorded in Mariposa County Official Records concurrently with the parcel map and referenced on the parcel map as follows:</p> <p>“There is an open space easement of fifty [50] feet from the centerline of the unnamed stream which flows in a southeasterly direction to Buckeye Creek and that is located along the property line of proposed Parcels C, D, E, & F as shown on the Final Map for McLaughlin recorded as Record of Survey No. _____, Mariposa County Records. No structures shall be constructed within the open space easement. No portions of a sewage disposal system shall be constructed within the open space easement. No grading shall be allowed within the 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 4291. A well or wells, water pipes, underground and above ground power lines, fencing, and other similar structures or improvements may</p>	Public Works/ Mariposa Planning	

<p>be constructed within the open space easement subject to approval by 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 No. 4.b.1</p>		
<p>33. 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 located onsite in the area of construction activity that are 5” or larger in diameter at breast height, with breast height being 4 ½’ above natural grade. All trees identified as Quercus that will be removed for 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</p>	<p>Mariposa Planning</p>	
<p>34. For all trees not identified for removal for road construction or other purposes as detailed in Condition No. 31 (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 located in the area of construction activity but not to be removed shall have erected around the root zone—which is 1 ½ times the drip line of the oak tree crown or 15’ whichever is greater—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</p>	<p>Mariposa Planning</p>	
<p>35. During road grading and/or construction, building pad construction, septic system installation, or any activity that involves ground disturbance, if any signs of prehistoric, historic,</p>	<p>Public Works</p>	

<p>archaeological, paleontological, or human remains appear, all work activity within fifty feet of the find shall stop and the Mariposa County Planning Department and Mariposa County Coroner shall be notified immediately. No work shall be done within fifty feet of the archaeological find until Planning has identified appropriate measures to protect the archaeological find and those measures have been implemented by the applicant. Protection measures for the site may include, but not be limited to, requiring the applicant to hire a qualified archaeologist who shall conduct necessary inspections and research, and who may supervise all further ground disturbance activities and make any such recommendations as necessary to ensure compliance with Public Resources Code Section 5097.98. Mitigation Measure 5.d.1</p>		
<p>RECOMMENDATION ON OFFERS OF DEDICATION</p>		
<p>Staff recommends that the Planning Commission recommend that the Public Works Director accept the offer of dedication for public access, utilities, and maintenance for the re-offer for dedication on Old Highway within the project site. Mariposa Planning Recommendation</p>	<p>Public Works</p>	
<p>Staff recommends that the Planning Commission recommend that the Public Works Director accept the offer of dedication for public access and utilities, but reject the offer for public maintenance of the onsite easement roads. Mariposa Planning Recommendation</p>	<p>Public Works</p>	