STATE OF CALIFORNIA  
COUNTY OF MARIPOSA  
PLANNING COMMISSION

Resolution  
No. 2018-008  

A Resolution Adopting a Mitigated Negative Declaration, and Approving Land Division Application 2017-090 with Findings, Conditions and Mitigation Measures. Freeman & Seaman Land Surveyors, Agent; Johnnie and Eva Upton, Applicants; Assessor Parcel Number 011-310-0220, 3013 Trower Road, Caheys Valley, CA

WHEREAS, an application for Land Division 2017-090 was received on the 22nd of May 2017 from Johnnie and Eva Upton for a property located at 3013 Trower Road, also known as Assessor Parcel Number 011-310-0220; and

WHEREAS, Land Division Application 2017-090 proposes to divide a 40.97-acre parcel into four parcels and a remainder of 10.01, 6.26, 6.26, 7.08 and 11.36 acres; and

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

WHEREAS, a duly noticed public hearing was scheduled for the 23rd of March 2018; 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.

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby approve Land Division Application 2017-090.

BE IT THEREFORE FURTHER RESOLVED THAT the project is approved based upon the findings set forth in Exhibit 1 with the terms and conditions set forth in Exhibit 2.
ON MOTION BY Commissioner McCamman, seconded by Commissioner Kehoe, this resolution is duly passed and adopted this March 23, 2018 by the following vote:

AYES: Herman, Kennec, Kehoe, McCamman

NOES: None

EXCUSED: Becker

ABSTAIN: None

Mick Herman, Chair
Mariposa County Planning Commission

Attest:

Kimberlee A. Lake, Secretary
Mariposa County Planning Commission
**Exhibit 1 - Project Findings for LDA No. 2017-090**

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

   **EVIDENCE:** The site is physically suited for low-density homes and appurtenant improvements, and has already been developed as such. The proposed project is located within the Mountain Home Zone and the Residential Land Use Classification. The subdivision density is designed in accordance with the Mountain Home Zone and the Residential Land Use Classification.

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

   **EVIDENCE:** The Initial Study prepared for the project found that based on the approved project description, the project would have a less than significant effect on the environment with mitigation applied. The project may have an adverse impact on the wildlife resources and potential habitat areas, and therefore, is subject to the California Department of Fish and Wildlife file fees for a mitigated negative declaration as required by AB 3158 and SF 1535 and County Clerk fees.

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. The project site is located in a State Responsibility Area. The project has been reviewed by the Mariposa County Fire Department and CALFIRE. The land division has been designed to comply with all applicable fire safe requirements. All future residential uses will be required to comply with the State Fire Safe Standards as mandated by California Public Resource Code (PRC) Sections 4290 and 4291, which will eliminate any potential health and safety issues related to fire protection. The design and location of each lot and new ingress/egress points to the subdivision and individual lots comply with all applicable County standards as well standards contained in PRC sections 4290 and 4291. Structural fire protection and suppressions services are available to the project site through the Mariposa County Fire Department and CALFIRE.

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 Mariposa County General Plan’s Housing Element overall goal to provide “solutions to local housing challenges. When implemented, the Housing Element provides measures increasing opportunities for housing affordable to first time homebuyers, improved quality rentals for those who are not ready to be homeowners and solutions for seasonal employee housing and the changing housing needs of seniors.”
All parcels have existing access and Parcel B, C, and D will be taking access directly from an existing paved, county-maintained road that has adequate capacity for the additional traffic generated by the new parcels created by this project.

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

**EVIDENCE:** The minimum parcel size, minimum density, and building intensity proposed by the project is consistent with standards contained in the Residential land use classification of the Catheys Valley Community Plan and the Mountain Home Zone. The land division’s design complies with the County Subdivision Ordinance’s maximum 4:1 length to width ratio for parcel configuration.

6. **FINDING:** The design of the subdivision or type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

**EVIDENCE:** The project will not conflict with any public easement. Affected utility companies have reviewed the proposed project. Sierra Telephone has stated that “there are existing underground phone cables in this area serving the homes on this parcel that will need easements prior to the finalization of this parcel split. There are no existing easements for Sierra Telephone due to the fact that the cables do not cross any property lines and only served the homes on this parcel. We (Sierra Telephone) will need easements to secure the following areas:

1. There is a buried phone line crossing through Parcel B to serve the home on Parcel A.
2. Our cable along the southerly side of Trower Road appears to be outside of the proposed 60’ road dedication and will therefore need an easement.

We have no objections to this proposed parcel split as long as we will be provided a right-of-way for our existing buried telephone utilities.” A condition of approval has been placed on the project to ensure that Sierra Telephone easement concerns are addressed prior to the recordation of the parcel map.

7. **FINDING:** The Planning Commission finds that there is no public need for an offer of dedication for the easement labeled Green Street on the tentative map.

**EVIDENCE:** The easement labeled Green Street does not serve an off-site parcel or an off-site development due to the Easement Grant Deed that was recorded. This Easement Grant Deed limits the use of the off-site driveway to serving the on-site Remainder. Therefore Green Street can be created as a private easement.
Exhibit 2- Project Conditions for LDA No. 2017-090

Applicant: Johnnie and Eva Upton, Applicants
File Number: LDA No. 2017-090

The following conditions of approval were approved for 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 Conditions of Approval

<table>
<thead>
<tr>
<th>CONDITIONS OF APPROVAL / PUBLIC WORKS DEPARTMENT</th>
<th>MONITORING DEPARTMENT</th>
<th>VERIFIED IMPLEMENTED</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. The easement from Trower Road to the Remainder shall be made a minimum of 40 feet wide and non-exclusive. A cul-de-sac easement with a radius of 60 feet shall be provided at the location of the proposed turnaround on Parcel A to encompass the required cul-de-sac improvements unless an alternative turnaround is approved by CALFIRE and the County Engineer. The easement shall be designated for access for the use and benefit of the subject property. Additional easement width may be required to encompass the required road improvements, including turnouts, turnarounds, and associated cuts and fills, in accordance with the County Improvement Standards and Road Improvement and Circulation Policy.</td>
<td>PUBLIC WORKS</td>
<td></td>
</tr>
<tr>
<td>Provisions for a public utility easement along the access easement shall be made; the public utility easement shall be offered for dedication to the County of Mariposa and shall specifically state that the dedication is for public utility purposes only. The location and width of the easements shall be approved by the County Engineer. (Section 16.12.160.B, County Subdivision Ordinance; Section II.A.3, Road Improvement and Circulation Policy)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The Planning Commission recommends that the County Engineer accept the offer of dedication for utilities. (Section 16.12.160.B, County Subdivision Ordinance; Road Standards Cross-sections, Road Improvement and Circulation Policy.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. The proposed easement from Trower Road to the</td>
<td>PUBLIC WORKS</td>
<td></td>
</tr>
</tbody>
</table>
turnaround on Parcel A shall be improved to a Rural Class I SRA A standard and shall meet this standard at the time of parcel 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 prior to the recordation of the parcel map. The County Engineer may require engineered improvement plans prepared by a Registered Civil Engineer for any improvements required as a condition of approval for this project. If engineered improvement plans are required, the plans shall be approved by the County Engineer prior to commencement of construction work on the required road improvements.

(Section 16.12.170, County Subdivision Ordinance; Chart A and Section 11.D.2.a Road Improvement and Circulation Policy).

3. A cul-de-sac shall be constructed at the intersection of the on-site easement road and the existing driveway for Parcel A. 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 CalFire, the applicant may request permission to construct a hammerhead T turnaround. The hammerhead T turnaround shall be completed in accordance with State Fire Safe Regulations, and applicable provisions from the Road Improvement and Circulation Policy and County Improvement Standards. Prior to recordation of the parcel map, the County Surveyor shall confirm that this condition has been met.

(Section 11.4(B)(9) County Improvement Standards)

4. An encroachment permit shall be obtained from the Mariposa County Public Works Department prior to any work being done on or adjacent to Trower 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

<table>
<thead>
<tr>
<th>PUBLIC WORKS</th>
</tr>
</thead>
<tbody>
<tr>
<td>PUBLIC WORKS</td>
</tr>
</tbody>
</table>
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).

| 5. 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, PG & E, Sierra Telephone, road contractor, and CALFIRE shall occur. This meeting shall be conducted on-site. This consultation meeting shall be setup by the applicant and/or agent. Any and all costs associated with the consultation shall be the responsibility of the applicant. The County engineer shall verify 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 and Mariposa Planning Recommendation)

| 6. All grading and road improvement work required as a condition of approval of this project shall comply with the Mariposa County Improvement Standards and all requirements contained therein. The County Engineer may require engineered improvement plans prepared by a Registered Civil Engineer for any improvement required as a condition of approval for this project. If engineered improvement plans are required, the plan shall be approved by the County Engineer prior to commencement of construction work on the required road improvements. |

(Chapter 11, County Improvement Standards)

| 7. A variable width dedication of a minimum of 60 feet, 30 feet from both sides of the centerline of Trower Road shall be offered to the County of Mariposa. The offer of dedication shall be non-revocable and specifically state on the parcel map that the dedication is for "public road and public utility purposes." The location and width of the offer of dedication shall be approved by the County Engineer. |

The Planning Commission recommends that the Public
Works Director accept the offer of dedication for public access, maintenance and utilities.

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

| 8. 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 |

(Public Works Department Recommendation)

| 9. A stop sign shall be placed at the intersection of Trower Road and the proposed on-site access easement. The stop sign 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 |

(Public Works Recommendation)

| 10. If the proposed on-site access easement is accepted by the County for public access but not for maintenance, a sign stating "THIS ROAD IS NOT COUNTY MAINTAINED" shall be installed at the intersection of the proposed on-site access easement and Trower Road. The design and specifications of the sign shall be in accordance with the County Improvement Standards. | PUBLIC WORKS |

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

| 11. A road name sign for the on-site easement at shall be placed at the intersection of the on-site easement road and Trower 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. | PUBLIC WORKS |

(Section 16.12.175, County Subdivision Ordinance).

| 12. A road maintenance association shall be formed to provide for the maintenance of the on-site easement road from Trower Road to and including the proposed turnaround on Parcel A. 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 | PUBLIC WORKS |
parcels (including Remainder) served by the easement road 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:

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.

e. Provide a mechanism for new parcels to be added to the association.

(Public Works Department Recommendation; Section II.1, Road Improvement and Circulation Policy)

13. A declaration or covenant of non-protest for road maintenance of the on-site easement road shall be recorded concurrently with the parcel map and shall be referenced on the parcel map. The declaration or covenant shall be made appurtenant to each parcel and shall state that the owner or future owners of the parcels waive their right to protest the formation of a zone of benefit or assessment district within the Countywide County Service Area No. 1 for road improvements, road upgrades, and/or maintenance of the easement road. The declaration or covenant shall be approved by the Public Works director prior to recordation.

(Public Works Recommendation)

14. To ensure all weather access to Parcel B, a culvert drainage system shall be installed on Trower Road. This culvert drainage system shall be designed to County road improvement standards. Plans shall be approved by the County Engineer prior to commencement of the work.

15. Prior to commencement of road construction within the
Trower Road easement, the applicant shall provide a letter from Pacific Gas and Electric (PG & E) to the Department of Public Works assuring that the electrical pole currently in the proposed easement has been moved outside of the area for road improvements or is beyond the limits of grading.

(Planning Department Recommendation)

16. A Verification of Taxes Paid Form, acquired no sooner than 30-days prior to the filing of the parcel map, shall be submitted to the County Surveyor.

[County Subdivision Ordinance Section 16.12.395]

17. The telephone company shall be contacted prior to construction in order to coordinate the location of telephone facilities, including conduit. The applicant shall present a letter from the telephone company to the County Surveyor stating that the requirement has been met.

In addition, all existing underground phone cables on the project site shall be located within proposed public utility easements offered for dedication. The easements may be created by a separate easement document or be created by the Parcel Map. Sierra Telephone shall review and approve the easement document and dedication, prior to creation.

(Planning Department Recommendation)

17. 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 applicant. A letter shall be submitted to the County Surveyor by NRCS/RCD stating that the re-vegetation and erosion control provisions have been completed.

/Public Works

/Public Works

/Public Works

CONDITIONS OF APPROVAL / DEPARTMENT OF FORESTRY AND FIRE PROTECTION

18. Prior to Parcel Map recordation, the applicant shall have complied with all applicable SRA Fire Safe Regulations according to PRC 4290, PRC 4291 and PRC 1273.09, dead-
end roads.

Evidence that this condition has been satisfied shall be in the form of a letter from CALFIRE to the County Surveyor.

(California Public Resources Code)

CONDITIONS OF APPROVAL / HEALTH DEPARTMENT

19. Applicant shall demonstrate to the satisfaction of the Mariposa County Health Department that the proposed property lines are far enough away from all existing on-site sewage disposal systems to meet required setbacks.

(Health Department Recommendation)

20. Soil profile holes shall be excavated on Parcel C to the standards of the County Health Department and in the presence of the County Environmental Health Specialist, his authorized representative, or an authorized consultant to verify the feasibility of installing an on-site septic system on the parcels. If the County Environmental Health Specialist approves the parcels for septic disposal based on the soil profile holes, a letter from the County Environmental Health Specialist stating no additional tests are required and this condition has been fulfilled for that parcel shall be submitted to the County Surveyor.

If the results of the soil profile holes do not demonstrate to the approval of the County Environmental Health Specialist that a conventional septic system can be installed on the parcel, percolation tests and additional soils analysis tests shall be performed on the parcel 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 Environmental Health Specialist prior to recordation of the parcel map. A letter from the County 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. If the Health Department approves the use of Standard Septic Systems then a statement shall be recorded in Official Records concurrently with the parcel map and referenced on the parcel map or shall be included on an additional map sheet which indicates its relationship to the parcel map. The statement shall be as follows:
"This notice is not intended to affect record title interest. Approved percolation tests and soils analysis tests have been performed on Parcel __ as shown on the Parcel Map for ________, 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."

If the Health Department approves the report based on the use of special design or engineered septic system then a statement shall be recorded in Official Records concurrently with the parcel map and referenced on the parcel map or shall be included on an additional map sheet which indicates its relationship to the parcel map. The statement shall be as follows:

"This notice is not intended to affect record title interest. Percolation tests and soils analysis tests show that conventional on-site sewage disposal systems cannot be constructed on Parcel __ as shown on the Parcel Map for __________, based upon limiting soil conditions; however, the test results meet the Health Department Land Division policy requirements for use of engineered, alternative design on-site sewage disposal systems. The State of California is in the process of developing Statewide on-site sewage disposal regulations that could affect the future installation of engineered, alternative design on-site sewage disposal systems; therefore, buyers are encouraged to check with the Mariposa County Health Department regarding State or local regulation changes that could affect the installation of an on-site sewage disposal system on this parcel.

Additionally, if the Health Department approves the report based on the use of a special design or engineered septic system a notice shall be filed concurrently with the parcel map and referenced on the parcel map or shall be included on an additional map sheet which indicates its relationship to the parcel map. The notice shall state:

"This notice is not intended to affect record title interest. The property described as Parcel __ as shown on the Parcel Map for __________, is required to be served by an alternative design on-site sewage disposal system which
is to be installed in the exact area tested and approved by the Health Department unless the Health Department approves an alternate location as described below. Construction plans for the alternative design on-site sewage disposal system must be submitted to and approved by the Mariposa County Health Department prior to the issuance of a development permit for any construction activities other than a private well. A map showing the approved location and a report including percolation test and soil profile analysis results is on file at the Mariposa County Health Department. The alternative design on-site sewage disposal system is to be maintained in accordance with Mariposa County Health Department Policy 03-01 which states, “A maintenance entity shall be required prior to approval and installation of a special design sewage disposal system on a land division. In lieu of a public entity, an operation and maintenance protocol may be submitted for approval by the manufacturer of a specific technology.” Said maintenance entity shall be created to provide maintenance on the engineered sewage disposal systems prior to issuance of a development permit for residential construction activities other than a private well.

In the event that additional soils testing is conducted demonstrating that an alternative design on-site sewage disposal system is not necessary, the Mariposa County Health Department may allow the use of a conventional on-site sewage disposal system in the newly tested area. Any newly tested area requiring the use of an engineered alternative design on-site sewage disposal system must meet the same minimum soils requirements of Health Department policy 03-01 as a newly created parcel.”

(Section 16.12.330, County Subdivision Ordinance; Health Department Recommendation)

21. Prior to recordation of the parcel map, the applicant shall provide evidence to the Mariposa County Health Department that a well or wells of proven capacity have been installed on the project site. Proven capacity shall be a well or wells capable of producing the quantities listed in Section E (4) D of the Mariposa County General Plan 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 well pump contractor with a C-61 license.
Proof is as follows:

a. an approved connection from an approved public water provider; or
b. a proposed connection to a shared well which has been pre-approved by the Health Department; or
c. a well, for which appropriate permits and inspections have been approved by the Health Department, has been drilled on the subject property and developed with appropriate casings, and for which improvements may or may not include permanently installed pump equipment; or
d. a demonstration that there can be a source of water capable of producing a sustained potable water supply with storage of at least 1,000 gallons per twelve (12) hour day per dwelling unit, which will be contained within any combination of (a) a potable water storage tank, (b) a static water supply in the well; or
e. other satisfactory proof and wells drilled and tested prior to sale to demonstrate the quantities described in "Section d." above.

Additionally, if the property is to be served in the future by a well, the applicant shall record a disclosure statement concurrently with the parcel map and referenced on the parcel map or shall include the disclosure statement on an additional map sheet which indicates its relationship to the parcel map. The statement shall be the following:

"This notice is not intended to affect record title interest. Water supplies for residential lands are derived from private wells on Parcels __, __, __, and __ as shown on the Parcel Map for ______. Mariposa County groundwater supplies are found in fractures in the bedrock. The costs associated with drilling and developing a private well is highly variable because it is unknown how much or if any additional water can be found on these parcels. There is no guarantee additional potable water supply of adequate quality or quantity can be found or sustained on any parcel shown on this map."

[(Mariposa County General Plan, Section 5.3.02.E(4)]

CONDITION OF APPROVAL / MARIPOSA PLANNING

22. Project approval is valid for a period of three years from MARIPosa

(MARIPOSA COUNTY SUBDIVISION CODE SECTION 16.12.430)

23. If applicable, the posted address sign or mailbox for the existing residential area/improvements on Parcel A and the Remainder shall be maintained in good repair at all times during project construction, up until both of the following are satisfied: a) a new address is assigned for the existing residence and b) the new road name sign is installed.

Prior to filing the parcel map, the applicant shall submit to the Planning Department an “address request form”, on a form provided by the Planning Department, for Parcel A and the Remainder. The “address request form” will ensure that Parcel A and the Remainder are each assigned a new address off the newly named subdivision road by the Assessor/Recorder’s Office following the filing of the parcel map. A letter or e-mail from the Planning Department shall be sent to the County Surveyor which verifies this condition has been met.

(Planning Department Recommendation)

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

(Planning Department Recommendation)

25. A declaration shall be recorded with the parcel map and shall be referenced on the parcel map or shall be included on an additional map sheet which indicates its relationship to the parcel map. The declaration shall be:

“This notice is not intended to affect record title interest. A Certificate of Compliance must be obtained prior to issuance of any county development permit (including, but not limited to a well permit, a septic permit, a grading permit, an electrical permit, and/or a structure permit) on the designated Remainder as shown on the Parcel Map for ____, in accordance with Section 16.04.030 of Mariposa County Code.
All of the subdivision conditions for the Remainder as established by the Planning Commission shall be met prior to issuance of the Certificate of Compliance. The Remainder is not a parcel available for sale, lease or finance until the Certificate of Compliance is issued. The Remainder may or may not be surveyed. Fees associated with the application for and recordation of the certificate of compliance shall be paid by the applicant."

(Section 16.04.030, County Subdivision Ordinance; Planning Department Recommendation)

| 26. The on-site and off-site easement from Trower Road to the Remainder shall be named in accordance with County Resolution No. 92-541. A Road Name Request application shall be submitted to the Planning Department and be acted upon by the Board of Supervisors. Approval of the road name shall be tentative, until the map is filed. The name of the road within the project site shall be shown on the parcel map. |
| MARIPosa PLANNING |

(County Resolution No. 92-541)

| 27. In the event human remains or artifacts are discovered during ground disturbance on the project site, a Native American monitor shall be on-site for the duration of ground disturbance. During road grading, soil testing and/or construction, or any activity that involves ground disturbance necessary to implement project conditions of approval, if any signs of prehistoric, historic, archaeological, paleontological resources are evident, all work activity within fifty feet of the find shall stop and the Mariposa County Planning Department shall be notified immediately. No work shall be done within fifty feet of the find until Planning has identified appropriate measures to protect the find and those measures have been implemented by the applicant. Protection measures for the site may include, but not be limited to, requiring the applicant to hire a qualified archaeologist who shall conduct necessary inspections and research, and who may supervise all further ground disturbance activities and make any such recommendations as necessary to ensure compliance with applicable regulations. In addition to the Planning Department, the Mariposa County Coroner and American Indian Council of Mariposa County shall be notified should human remains be discovered. Representatives of the American Indian Council of Mariposa County shall be requested to be on-site during disturbance and/or removal of human remains. |
| MARIPosa PLANNING |

(Planning Department Recommendation)
28. Any tree removal or pruning on the project site including dead or broken trees, shall occur between October 1 and January 31, the time-frame which is outside of the normal raptor and general avian breeding season. Should such tree removal occur between February 1 and September 31, a pre-removal survey for active raptor or avian nests shall be conducted by a qualified biologist/botanist no more than fifteen days prior to removal. If such nests are found the tree or trees in which nest(s) are located shall not be removed until the young have fledged. The appropriate time for tree removal shall be determined by a qualified biologist/botanist in consultation with the California Department of Fish and Game. The project proponent shall provide the results of any surveys to the Mariposa County Planning Department prior to tree removal.

(Planning Department Recommendation and CEQA Mitigation Measure)

29. The Property 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.

(MARIPOSA COUNTY ORDINANCE NO. 1017)

30. Prior to filing of the parcel map, all fees associated with the County’s processing of the map and filing of associated documents shall be paid. The Department of Fish and Game filing fee ($2280.75 as of 1/1/18) and the County Clerk fee ($50.00 as of 1/1/18) shall be paid by the applicant within five (5) working days of the approval of the application (by Friday, March 30, 2018), because if the fee is not paid within 5 working days, and the Notice of Determination is not filed with the County Clerk prior to close of business on Friday, March 30, 2018 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 $2,330.75 (effective 1/1/18), 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 to file this fee and other required documents.

Note, the filing fees are adjusted annually, effective January 1st of each year, pursuant to Fish and Game Code. (§16.12.390, Mariposa County Subdivision Code; 711.4(c) of the State Fish and Game code)

(Mariposa Planning Recommendation)

31. All fees for processing of this project shall be paid within forty-five (45) days of the date of billing.

(Mariposa Planning Recommendation)

32. Subdivision Map Act Section 66434.2 applies to the recordation of the parcel map for this project.

(Planning Department Recommendation)

33. The Remainder shall be shown on the parcel map, in order for all required easements to be created.

OR

If the Remainder is not shown on the recorded parcel map, the required easements for Trower Road and the proposed on-site easement shall be offered for dedication prior to or concurrent with issuance of the certificate of compliance for

(MARIPOSA PLANNING)

(MARIPOSA PLANNING)

(MARIPOSA PLANNING)
the Remainder. Legal descriptions (typed, stamped and signed legal descriptions (along with lot closure computations) of this 20' by 30' wide area shall be provided by the County Surveyor.

(Planning Department Recommendation)

| Agency Contact List |
|---------------------|-----------------|----------------|-----------------|-----------------|-----------------|
| AGENCY              | CONTACT         | PHONE NUMBER   | EMAIL           | SITE ADDRESS    | MAILING ADDRESS |
| Mariposa Planning   | Sean Conway     | 209-742-1220   | sconway@mariposacounty.org | 5100 Bullion Street Mariposa CA 95338 | P.O. Box 2039 Mariposa CA 95338 |
| Public Works        | James Steed     | 209-966-1136   |                | 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     |                 | 209-966-3431   |                | 5009 Fairgrounds Rd Mariposa CA 95338 | P.O. Box 746 Mariposa CA 95338 |
| Resource            |                 |                |                |                  |                 |
| Conservation District |               |                |                |                  |                 |
| County Assessor     | Sarah Hughes    | 209-966-2332   |                | 4982 10th Street Mariposa CA 95338 | P.O. Box 35 Mariposa CA 95338 |
| County Fire         | John Morgan     | 209-966-4330   |                | 5082 Bullion Street Mariposa CA 95338 | P.O. Box 162 Mariposa CA 95338 |
| Cal. Dept of Forestry and Fire Protection | Darrin McCulley | 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 and mitigation measures have been implemented as evidenced by the “Schedule of Tasks and Sign-Off Checklist”, and that all direct and indirect costs have been paid. This act constitutes the issuance of a Certificate of Completion.

Environmental Coordinator ___________________________ Date ____________