

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

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STATE OF CALIFORNIA  
COUNTY OF MARIPOSA  
PLANNING COMMISSION

Resolution  
No. 2021-05

**A resolution recommending approval of General Plan/Area Plan/Zoning Amendment No. 2020-167, finding that the updated design review submittal is in substantial conformance with Design Review No. 2019-035, and approving amended conditions for Design Review No. 2019-035; Self-Help Enterprises, applicant. Assessor Parcel Number 012-140-024 and portion of 012-140-023 (legal with 012-140-022).**

WHEREAS an application for a General Plan/Area Plan/Zoning Amendment (GP/ZA) was received on the 4<sup>th</sup> day of November 2020 from Self-Help Enterprises for a portion of the property located at an unassigned address off of Fournier Road in Mariposa, also known as Assessor Parcel Number 012-140-023 (legal with 012-140-022); and

WHEREAS GP/ZA No. 2020-167 proposed to change the designation from the Single Family Residential-9000 sq. ft. to Multi-Family Residential for an approximately 0.50-acre portion of APN 012-140-023 (legal with 012-140-022) in order to allow for the construction of appurtenant improvements associated with a multi-family housing project previously approved on APN 012-140-024; and

WHEREAS Lot Line Adjustment No. 2020-166 is being processed separately (and concurrently) to modify the boundaries of APN 012-140-024 to include the approximately 0.50-acre portion of APN 012-120-023; and

WHEREAS on the 3<sup>rd</sup> day of February 2021 final design review and site plan details for Design Review No. 2019-035 were submitted, which included requests to modify several conditions of approval; and

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

WHEREAS a duly noticed Planning Commission public hearing was scheduled for the 12<sup>th</sup> day of February 2021; and

WHEREAS a Staff Report was prepared pursuant to the California Government Code, Mariposa County Code, 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 Staff Report, testimony presented by the public concerning the application, and the comments of the applicants.

NOW THEREFORE, BE IT RESOLVED THAT the Planning Commission of the County of Mariposa does hereby recommend that the Board of Supervisors find that the project (the GP/ZA for the added 0.50-acre area, review of the updated design details, the development concessions for the fence height standard and the on-site power line undergrounding requirement, and the modification of conditions for power line undergrounding, timing of proof of affordability, installation of water lines under Mariposa Creek, and access road width) is exempt from environmental review.

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby recommend that the Board of Supervisors approve General Plan/Area Plan/Zoning Amendment No. 2020-167 based upon the findings set forth in Exhibit 1 for area shown in Exhibit 2. The area for which the general plan/area plan land use and zoning is changed coincides with the area to be acquired by Self-Help Enterprises via Lot Line Adjustment No. 2020-168.

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby recommend that the Board of Supervisors: 1) find that the design details and site plan submitted for Design Review No. 2019-035 are in compliance with the previous approval, and 2) approve amended conditions as set forth in Exhibit 3.

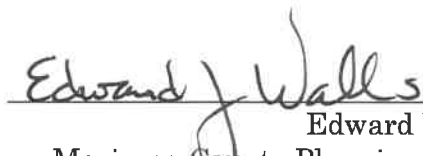
ON MOTION BY Commissioner McCamman, seconded by Commissioner Smith, this resolution is duly passed and adopted this 12<sup>th</sup> day of February 2021 by the following vote:

AYES: McCamman, Smith, Herman, and Walls


NOES:

EXCUSED:

ABSTAIN:

  
Edward Walls, Chair  
Mariposa County Planning Commission

Attest:

  
Carol Suggs, Secretary to the  
Mariposa County Planning Commission

## *Exhibit 1—Recommended Findings for Approval*

In accordance with Section 17.128.050 of the Mariposa County Zoning Code, the following findings are made for General Plan/Area Plan/Zoning Amendment Application No. 2020-167 and Design Review No. 2019-035:

1. **FINDING:** This amendment is in the general public interest, and will not have a significant adverse effect on the general public health, safety, peace, and welfare.

**EVIDENCE:** The project will provide an area for stormwater discharge and recreational facilities for an affordable housing in the town of Mariposa. The previously approved housing project will provide 42 units that will be available for low-, very-low, and extremely-low income households and will be restricted by a 55-year affordability covenant. The project site access is proposed to be improved to accommodate a two-lane paved road. The property is located within the Mariposa Town Planning Area, the area of Mariposa County which serves as the central commercial area providing services to residents. Adequate provisions for water, wastewater, garbage, and parking facilities are provided on the project site to ensure that the area will not be negatively impacted. The proposed multi-family residential project will be required to meet all development standards except those waived or reduced in accordance with applicable state law.

2. **FINDING:** This amendment is desirable for the purpose of improving the Mariposa County General Plan with respect to providing a long-term guide for County development and a short-term basis for day-to-day decision making.

**EVIDENCE:** Amending the land use of the site to the Multi-family Residential land use classification and the rezoning of the subject property to the Multi-Family Residential zoning classification provides a clear plan for development of the stormwater discharge basin and the basketball facilities for the previously approved housing project in a manner consistent with the General Plan. The amendment will allow for support facilities for a multi-family housing project that will provide affordable housing units to residents of Mariposa County. The project is within the boundaries of the Mariposa Town Planning Area, which is the County seat and provides various commercial, government, and health services. Transit services are available close to the project site, to provide residents with public transportation to El Portal and Yosemite, as well as the City of Merced.

3. **FINDING:** This amendment conforms to the requirements of State law and County policy.

**EVIDENCE:** State law governing the adoption of general plans requires that the adopted plan include provisions for amendments. Those provisions are included in the adopted Mariposa County General Plan and in the Mariposa County Zoning Code. This application has been processed in accordance with all requirements of State laws and local ordinances.

4. **FINDING:** This amendment is consistent with other guiding policies, goals, policies and standards of the Mariposa County General Plan.

**EVIDENCE:** The development of support facilities for an approved affordable housing project is consistent the goals and policies contained in the Housing Element. Policies include achieving an adequate number of housing units to meet the needs of its citizens and housing that is affordable to all economic segments of the community. This project will also assist in meeting the County's Regional Housing Needs Allocation as established by the California Department of Housing and Community Development. The project will provide 42 affordable housing units that are targeted to households below 80% of the County's median income. This includes households

in the low-, very-low, and extremely-low income households. The amendment will allow a developer that has identified this site as suitable for their project, to develop an affordable housing project.

5. **FINDING:** The subject parcel is physically suitable (including, but not limited to access, provision of utilities and infrastructure, compatibility with adjoining land uses, and absence of physical constraints) for the requested land use designation and the anticipated land use development.

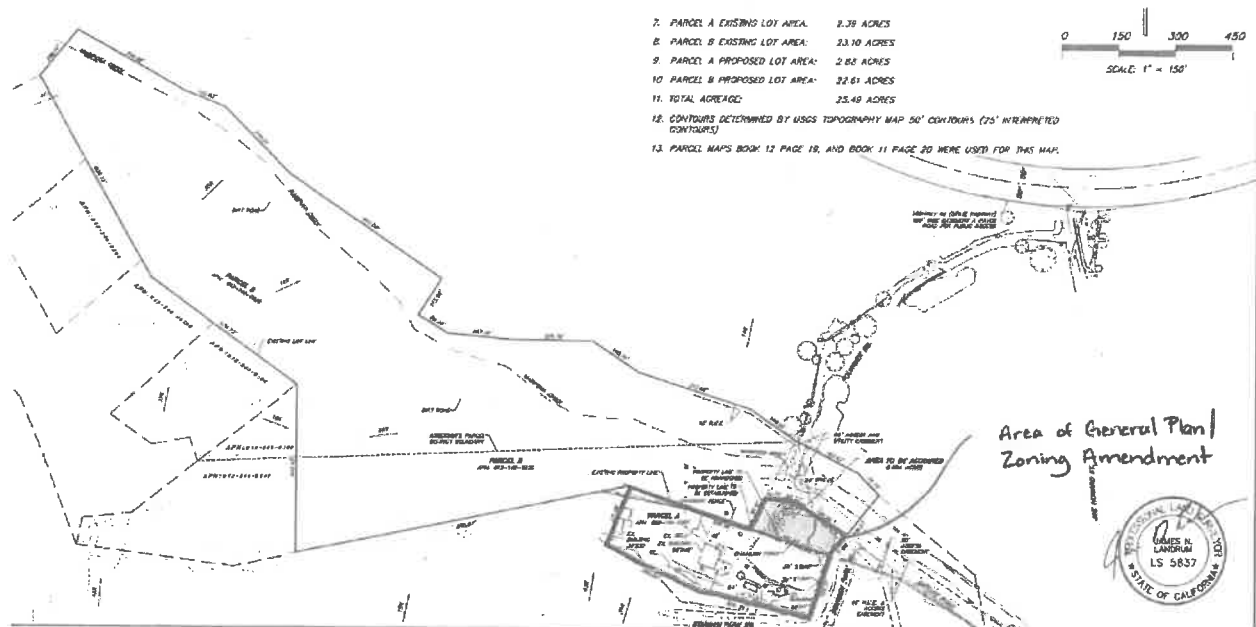
**EVIDENCE:** The subject parcel is found to be physically suitable for the proposed zoning classification and proposed support facilities for an approved housing project based upon the location of the project site in the Mariposa Town Planning Area. Utilities and infrastructure are available for this property, with access to the project site provided by an access easement that is proposed to be improved to a two-lane paved road. The site is similar to other properties in the town of Mariposa that are already within the Multi-Family Residential Zone and has access to water and sewer connections that are not available to other MFR zoned sites. The majority of the parcels in the immediate vicinity of the project site are vacant with some developed with residences. The proposed project is a residential project that will be consistent with the intended residential use anticipated for the area.

6. **FINDING:** The proposed zoning is logical and desirable to provide expanded employment opportunities, or basic services to the immediate residential population or touring public.

**EVIDENCE:** The proposed zoning is logical and desirable in that it provides much needed affordable housing opportunities to residents of the county. The project proposes support facilities for an approved housing project for households below 80% of the median income of the County, which is an area where there is a shortage of affordable housing options.

# Exhibit 2—Area of Recommended General Plan/Area Plan and Zoning Amendment

(0.50-acre portion of APN 012-140-023)



## *Exhibit 3—Recommended Amended Conditions of Approval and Mitigation Measures*

**Project Name: Creekside Terrace-Self-Help Enterprises**  
**File Number: GPZA No. 2019-036 and Design Review No. 2019-035**  
**Original Project Approval Date: June 11, 2019**  
**Amended Conditions Approval Date: March 2, 2021 (tentative)**

The following *amended* conditions of approval are 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. Amended text is shown in *italicized font*. Deleted text is shown in ~~double strike thru font~~.

1. General Plan/Area Plan/Zoning Map Amendment application (GPZA No. 2019-036) and Design Review No. 2019-035 changes the designation of a 2.39-acre parcel from Single Family Residential 9,000 square feet to Multi-Family in order to develop a multi-family rental housing development with 42 units. The property is located at 5118 Fournier Road in Mariposa, CA and is also known as Assessor's Parcel Number 012-140-024. The project includes 19 one-bedroom units, 12 two-bedroom units, 11 three-bedroom units, with units ranging from 629-1,200 sq. ft, a centrally located community building, basketball court and a playground. One unit is designated for the on-site manager. The on-site community building will include a computer lab, large room for on-site services, and private office space. The applicant will improve the access from the end of the bridge over Mariposa Creek at Joe Howard Street to the project site entrance to a paved *22-foot wide road where the easement is only 36 feet wide and the remaining road will be 24-foot wide road*, creating reliable all-weather road access to and from the site.

The project has received a waiver to the height requirements established by County Code to construct 4 three-story buildings up to 45 feet in height. The parking requirements have been reduced as part of a development concession to 42 parking spaces for the units. Additional spaces will be required for the community building office space. *The project has received a development concession to allow for fences in the front yard setback to exceed the three-foot height limit and for the requirement of the undergrounding of power lines to be waived.* These requests are approved pursuant to State law, Government Code Section 65915.

The proposed project will provide multi-family housing units targeted to low-, very-low, and extremely-low income households. Eleven of the units will be designated as Permanent Supportive Housing. Individuals for these units will be referred through the Coordinated Entry System and services will be provided onsite by Mariposa County Health and Human Services.

Primary access to the project is from Joe Howard Street to Antone Road to the project site. Water and sewer services are proposed to be obtained from the Mariposa Public Utility District. The developer is encouraged to incorporate sidewalks into the proposed access improvements to provide for pedestrian accessibility.

*As part of the project, improvements to the MPUD water lines will be required. These improvements will require the installation of water lines along Fournier Road, including under Mariposa Creek. The utility line improvements under Mariposa Creek are proposed to be installed using horizontal directional drilling or bore and jack construction, which will avoid the bed, bank, and channel of Mariposa Creek.*

(Project Description)

2. Additional project detail information shall be submitted and approved pursuant to Design Review Standards prior to application for any permits necessary to construct any portion of the project. Detailed, dimensioned project plans, including a site plan, grading plan, building plans, landscaping plans, elevations, project sign proposal, and material and color samples shall show that all development standards (except those that have received waivers, reductions, or concessions), including setbacks and all design review architectural theme and guidelines have been met. The approval authority for the Design Review shall be the Planning Commission. Additional conditions of approval may be developed as part of the design review application processing.  
(Section 17.336.060, Mariposa County Code)
3. All proposed road improvements shall be done in accordance with the Mariposa County Improvement Standards. The road from the end of the bridge across Mariposa Creek (from Joe Howard) at Antone Road to the project site entrance shall be improved to a Town Class IV standard, with the following (3) adaptations: 1. Parking lanes can be deleted from section. 2. Sidewalk (on both sides) will not be required. 3. The 4'-6' space for the voided sidewalk must remain on at least one side (as long as area can fit within existing easement). 4. *The travel way for the portion of the road that only has a 36-foot-wide easement shall be allowed to be reduced to twenty-two feet wide.* The resulting roadway section shall meet these minimum criteria prior to issuance of a Certificate of Occupancy. The proposed road improvements shall be completed in accordance with the Road Improvement and Circulation Policy (RICP) and the County Improvement Standards and shall be approved by the County Engineer or a licensed civil engineer with a signed, wet-stamped letter indicating that the improvements meet the RICP and the County Improvement Standards. Engineered improvement plans prepared by a Registered Civil Engineer shall be required and approved by the County Engineer prior to commencement on the proposed road improvements. If required, any necessary encroachment permits from the Public Works Department shall be obtained.  
(Applicant Proposal; Chart A and Section II.D.2.a, Road Improvement and Circulation Policy)
4. A road maintenance association shall be formed to provide for the maintenance of the off-site easement roads providing access to the project site (Antone Road). Maintenance shall include, but not be limited to, drainage and erosion control devices, fuel modification, and upkeep of road surfaces. The Road Maintenance Association provisions shall be developed by the applicant so that the project site served by the easement roads shall be responsible for road maintenance. These provisions shall be reviewed and approved by the County Engineer prior to issuance of a Certificate of Occupancy and shall:
  - a. Be in effect for the life of the project unless said maintenance is taken over by the County, a special district, or other governmental entity.
  - b. Provide for annual maintenance and the immediate correction of emergency and hazard situations.
  - c. Include the project parcel.
  - 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.

*As an alternative to what is required above, the applicant may join into an existing Road Maintenance Association for Antone Road, if there is one which is active and which generally accomplishes the objectives described in this condition. If the applicant elects this alternative, the applicant shall provide evidence that the subject parcel is legally "joined" into the existing association and shall provide information about the association.*

-or-

An alternative, which may be considered would be acceptance by the County of the off-site road into the County maintained road system by the Board of Supervisors. In order to be accepted into the County Road system, offers of dedication would be required by all off-site owners to provide for a continuous easement to a road currently within the County Road system.

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

5. The edges or boundaries of the off-site easement for Antone Road from the project site to the Antone Road bridge over Mariposa Creek shall be staked in the field by a licensed surveyor prior to commencement of work on the proposed road improvements. The staking of the road shall be maintained during road construction activities. The purpose of the staking is to ensure that all required road improvements are contained within the existing easement(s).  
(Planning Department Recommendation)
6. Prior to commencement of work on the proposed road improvements the applicant shall submit information from a Title Company (or other qualified individual as approved by the Planning Director) showing that project site has access through the existing access easements and the ability to improve them. Any additional easement width needed, shall be the responsibility of the project applicant to obtain prior to commencing work on the proposed road improvements.  
(Planning Department Recommendation)
7. All exposed and/or disturbed soils created by grading or construction activities shall be watered down or suppressed during grading operations to reduce the generation of dust and other particulate matter. During non-grading periods, all stockpiles of debris, soil, sand, or other materials shall be protected from wind erosion.  
(Section 17.336.080, Mariposa Count Code)
8. A grading plan and permit must be submitted prior to any grading activities on-site. The work shall be subject to all grading standards, including erosion control requirements.  
(California Building Code Appendix J as Adopted by the Mariposa County Board of Supervisors)
9. The project requires contact with the Regional Water Quality Control Board (RWQCB) 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 grading activities (on-site or for road work). A copy of the approved permit or evidence that a permit is not required shall be submitted to the Planning Department by the applicant prior to issuance of a grading permit. If a permit is required, all provisions and requirements of the permit shall be completed prior to completion of the project. The applicant shall submit to the Planning Department evidence that the permit requirements have been met to the satisfaction of the RWQCB. The applicant shall also be subject to the following RWQCB requirements:
  - a. Prior to issuance of the grading and/or building permit for the project, the applicant shall submit a SWPPP and a valid WID number issued by the State Regional Water Quality Control Board.
  - b. Prior to issuance of a certificate of occupancy for the project, the applicant shall provide a sign off showing that all of the conditions have been met and accepted as well as a Notice of Termination from the State Regional Water Quality Control Board.  
(State Water Quality Control Board Order No. 99-08-DWQ, National Pollutant Discharge Elimination System)



10. The project shall install and maintain onsite runoff attenuation facilities with sufficient capacity to reduce 100-year project stormwater runoff rates (or as required by the Building Department or County Engineer) to those currently generated by the project site. The project engineered grading plans shall include these facilities. County Engineer approval of the plan is required prior to grading permit issuance. This requirement also applies to the off-site road work.  
(Planning Department Recommendation)
11. A sediment control plan prepared and approved in accordance with the Mariposa County Code Section 17.336.080 shall be required for any and all grading activity that requires a grading permit.  
(Section 17.336.080, Mariposa County Code)
12. Prior to commencement of any construction, CAL FIRE and County Fire shall sign off on the proposed building plans, including improvement plans for the off-site access improvements. All CAL FIRE and County Fire requirements for the project shall be met.  
(Mariposa Planning Department Recommendation)
13. Construction activities occurring outdoors shall not commence prior to the hours of 7:00 a.m. Monday through Friday, and 8:00 a.m. on Saturdays. All construction activities occurring outdoors shall cease by sunset Monday through Saturday. No outdoor construction shall be permitted on Sundays. The Planning Department shall monitor noise through complaints by the neighbors.  
(Mariposa Planning Department Recommendation)
14. The project must comply with the requirements of the ASBESTOS AIRBORNE TOXIC CONTROL MEASURE FOR CONSTRUCTION, GRADING, QUARRYING, AND SURFACE MINING OPERATIONS (<https://www.arb.ca.gov/toxics/atcm/asb2atcm.htm>) Including but not limited to the submittal of a dust mitigation plan.  
(ASBESTOS AIRBORNE TOXIC CONTROL MEASURE FOR CONSTRUCTION, GRADING, QUARRYING, AND SURFACE MINING OPERATIONS)
15. Provisions shall be made for the on-site storage of all solid waste generated during construction and operation of the project. All solid waste shall be placed in trash bins to maintain the site in a safe and attractive condition. Solid waste which cannot be contained in trash bins on site shall be removed from the site on a weekly basis.  
(Mariposa Planning Recommendation)
16. All utilities, with the exception of propane storage tanks, shall be underground within the project site. *Power lines shall be allowed to remain overhead and relocated as required.*  
(Section 17.336.060, Mariposa County Code)
17. Connection to the Mariposa Public Utility District (MPUD) water and wastewater services and compliance with the MPUD Fire Protection Ordinance is required. The applicant shall contact MPUD for permit requirements, including any necessary infrastructure to provide adequate fire flows and fire hydrants.  
(Section 17.336.050.B, Mariposa County Code)
18. The telephone company shall be contacted prior to construction in order to coordinate the location of telephone facilities.  
(Sierra Telephone Recommendation)
19. All exterior mechanical equipment located on roof, building, and ground shall be enclosed or screened from public view either by utilizing materials compatible with the building or locating them away from public view. Proposed locations and screening of mechanical equipment shall be reviewed and approved by the Planning Department prior to issuance of a building permit.

(Section 17.336.060.B.7, Mariposa County Code)

20. Refuse storage areas, dumpsters, and propane tanks shall be enclosed or screened from public view. Proposed locations and screening of these facilities shall be reviewed and approved by the Planning Department prior to issuance of a building permit.  
(Section 17.336.030.B, Mariposa County Code)
21. Prior to the issuance of a building permit, the applicant shall submit a landscaping plan for the site. The landscaping plans shall indicate existing native trees within the development site to be retained. The landscaping plan shall conform with Section 17.336.060.C of County Code, delineating the size, type, and location of landscape plantings as well as proposed irrigation methods. The landscaping plan shall provide for shading and building enhancement in conformance with Section 17.336.060.C.6. of County Code. This plan must be approved by the Planning Director prior to issuance of a building permit. Landscaping must be installed prior to issuance of a Certificate of Occupancy.  
(Section 17.336.060.C, Mariposa County Code)
22. All landscaping shall be maintained in good condition in order to present a healthy and neat appearance for the life of the development. Dead or diseased plants shall be immediately replaced with plants which meet the size requirements of Section 17.336.060 of County Code.  
(Section 17.336.060.C, Mariposa County Code)
23. All exterior lighting fixtures shall be shielded and shall be designed and located to confine lighting directly on the premises. Lighting should be of minimum, but adequate, intensity. Exterior lighting fixtures shall not shine light upon or directly illuminate any surface other than the area required to be lighted. A lighting plan showing the design and location of all exterior lights shall be submitted to the Planning Department. The Planning Director shall approve the design of the lighting fixtures prior to issuance of a building permit.  
(Mariposa Planning Recommendation)
24. Minor amendments in the configuration and materials of the proposed development may be approved by the Planning Director provided that any expansion does not exceed 10% of the size of area of the approved facility (any amount of a reduction in size of area of the facility may be allowed), and provided a finding can be made that the modification does not create impacts which were not addressed in the original project approval.  
(Mariposa Planning Recommendation)
25. Prior to issuance of a building permit (other than grading) all on-site flammable vegetation shall be removed from each building site a minimum distance of one hundred (100) feet from any flammable building material, including finished structure. This condition shall not apply to vegetation proposed to remain as finished site landscaping, or offsite vegetation.  
(Mariposa Planning Recommendation)
26. Prior to the issuance of a building or grading permit and prior to issuance of a Certificate of Occupancy, all fees associated with the County's processing of this project and filing of associated documents shall be paid.  
(Mariposa Planning Recommendation)
27. Prior to issuance of permits, all fees associated with the County's processing of the map and filing of associated CEQA documents (applicable to the conditional use permit) shall be paid. The Department of Fish and Wildlife CEQA filing fee (\$2,354.75 as of January 1, 2019) and County Clerk fee (\$50 as of January 1, 2019) shall be paid by the applicant within five (5) working days of the approval of the application (by June 18, 2019), 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 June 18, 2019 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 **\$2404.75.75** (effective January 1, 2019), and that it be in the form of a cashier's check or money order payable to "Mariposa County;" The County Clerk will not accept a personal check for these fees. Submit the check to Mariposa Planning who will file this fee and other required documents with the County Clerk.

NOTE: The filing fees are adjusted annually, effective January 1st of each year, pursuant to Fish and Game Code.

*STAFF PROCESSING NOTE: This condition has been met.*

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) and the National Environmental Policy Act (NEPA). 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.

*STAFF PROCESSING NOTE: This condition has been met.*

(Mariposa Planning Recommendation)

29. Prior to issuance of a *Certificate of Occupancy* ~~building permit/grading plan~~, a copy of the covenant restricting the units for affordable housing for 55-years shall be provided to the Planning Department. (Mariposa Planning Recommendation)
30. Noncompliance with any of the conditions of approval for Design Review No. 2019-035 may be grounds for revocation of the approval. (Mariposa Planning Recommendation)
31. A pre-construction clearance survey shall be conducted by a qualified biologist to ensure that the northwestern pond turtle will not be impacted during Project construction. The pre-construction survey shall be conducted no more than 14 days prior to the start of construction activities, including demolition and site clearing. During this survey, the qualified biologist shall search all potential nesting habitat on the Project site for active turtle nests. If an active turtle nest is found, the qualified biologist shall determine the extent of a construction-free buffer to be established and maintained around the nest for the duration of the nesting cycle. The biologist shall then work with construction personnel to install wildlife exclusion fencing along the buffer. This fencing should be a minimum of

36 inches tall and toed-in 6 inches below ground prior to construction activities. If fencing cannot be toed-in, the bottom of the fence will be weighted down with a continuous line of long, narrow sandbags or similar material, to ensure there are no gaps under the fencing where wildlife could enter. One-way exit funnels directed away from construction activities will be installed to allow turtles and other small wildlife to exit the fenced enclosure. Reports and evidence of mitigation installation shall be provided to the Planning Department prior to commencing construction activities.  
(Mitigation Measure 4.a.1)

32. A pre-construction clearance survey shall be conducted by a qualified biologist to ensure that no roosting special-status bats will be disturbed during the implementation of the project. A pre-construction clearance survey shall be conducted no more than 14 days prior to initiation of construction activities, including demolition and site clearing. During this survey, the qualified biologist shall inspect all potential roosting habitat in and immediately adjacent to the impact areas, including tree snags and outbuildings. If an active roost is found close enough to the construction area to be disturbed by these activities, the qualified biologist shall determine the extent of a construction-free buffer to be established around the roost. If work cannot proceed without disturbing roosting bats, work may need to be halted or redirected to other areas until the roost is no longer in use. Reports and evidence of mitigation installation shall be provided to the Planning Department prior to commencing construction activities.  
(Mitigation Measure 4.a.2)

33. To the extent practicable, construction, including demolition and site clearing, shall be scheduled to avoid the nesting season, which extends from February through August.  
If it is not possible to schedule construction between September and January, a pre-construction clearance survey for nesting birds shall be conducted by a qualified biologist to ensure that no active nests will be disturbed during the implementation of the Project. A pre-construction clearance survey shall be conducted no more than 14 days prior to the start of construction activities. During this survey, the qualified biologist shall inspect all potential nest substrates in and immediately adjacent to the impact areas, including within 250 feet in the case of raptor nests. If an active nest is found close enough to the construction area to be disturbed by these activities, the qualified biologist shall determine the extent of a construction-free buffer to be established around the nest. If work cannot proceed without disturbing the nesting birds, work may need to be halted or redirected to other areas until nesting and fledging are completed or the nest has failed for non-construction related reasons.  
  
(Mitigation Measure 4.d.1)

34. In the event human remains, artifacts, or potentially significant cultural resources 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 the Native American Heritage Commission shall be notified should human remains be discovered. If the remains are determined by the Native American Heritage Commission to be Native American, the NAHC guidelines shall be adhered to in treatment and disposition of the remains. Representatives of the Most Likely Descendant shall be requested to be on-site during disturbance and/or removal of human remains.

(Mitigation Measure 5.c.1)