STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution No. 2021-21

A resolution recommending the Mariposa County Board of Supervisors approve Commercial-Industrial-Manufacturing Plan No. 2021-124 with recommended findings, conditions, and mitigation measures, and adopt a Mitigated Negative Declaration for the project; CalCamp2 LLC, dba Wildhaven Yosemite, applicant

WHEREAS, a Commercial-Industrial-Manufacturing (CIM) Plan application was received on July 1st, 2021 for an 80-unit campground project to be located at 4808 Highway 140, Mariposa, CA, also known as Assessor Parcel Number 012-180-0560; and

WHEREAS, the 36.3-acre parcel is currently being used for the Yosemite Ziplines and Adventure Ranch project, which operates under CIM Plan No. 2010-150 that was approved on March 15, 2011 as part of a project that reclassified the property to the Rural Economic/Recreation land use classification and rezoned the property to Resort Commercial; and

WHEREAS, the proposed campground use is permitted in the Rural Economic/Recreation land use classification and the Resort Commercial zone; and

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

WHEREAS, a Staff Report and Initial Study/proposed Mitigated Negative Declaration (SCH No. 2021110182) were prepared pursuant to the California Government Code, Mariposa County Code, California Environmental Quality Act, and local administrative procedures; and

WHEREAS, the Initial Study was circulated on the 12th day of November 2021; and

WHEREAS, a duly noticed Planning Commission public hearing was scheduled for the 17th day of December 2021; 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/proposed Mitigated Negative Declaration and Staff Report, testimony presented by the public concerning the application, and the comments of the applicant.

NOW BE IT RESOLVED THAT the Planning Commission does hereby recommend that the Board of Supervisors adopt a resolution adopting a Mitigated Negative Declaration for the project and approving CIM Plan No. 2021-124.

NOW BE IT FINALLY RESOLVED THAT this recommendation is based on the recommended findings set forth in Exhibit 1 and the recommended conditions of approval and mitigation measures set forth in Exhibit 2.
ON MOTION BY Commissioner Herman, seconded by Commissioner McCamman, this resolution is duly passed and adopted this 17th day of December 2021 by the following vote:

AYES: Walls, Wilmeth, Herman, Smith, McCamman

NOES: NONE

EXCUSED: NONE

ABSTAIN: NONE

Ed Walls, Chair
Mariposa County Planning Commission

Attest:

Carol Suggs, Secretary to the Planning Commission
Exhibit 1

Findings for CIM Plan No. 2021-124

In accordance with Section 17.128.050(C) of the Mariposa County Zoning Code, the following findings are made for Commercial-Industrial-Manufacturing Plan No. 2021-124:

1. **FINDING:** The amendment is in the general public interest, and will not have a significant adverse effect on the general public health, safety, peace, and welfare. (§17.128.050(C)(1), Mariposa County Zoning Code)

   **EVIDENCE:** The project is in the general public interest because it provides an additional overnight accommodation amenity to the touring public and enhances the hospitality industry, which is vital to the county. The Initial Study prepared for the project found no significant impacts from the project on the public health, safety, peace, and welfare of the residents of the area and the county in general, including impacts on the issues of noise, traffic, aesthetics, public services, air pollution, and fire hazards. The provision of water and sewage disposal at the site will be implemented under all state and local standards and requirements. The site is already developed and used for commercial recreational purposes.

2. **FINDING:** The 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. (§17.128.050(C)(2), Mariposa County Zoning Code)

   **EVIDENCE:** The amendment to the land use of the site is consistent with the Rural Economic/Recreation land use classification and the Resort Commercial zone. The project is subject to all of the development standards contained in the General Plan and Chapter 17.96 (Resort Commercial Zone) of Title 17, Zoning Ordinance. As of the date of the approval of this project, there are a limited number of CIM Plan developments that have been approved in the Rural Economic/Recreation land use classification. This project will provide a guide as to how such projects are reviewed, improved and implemented. It provides a short-term basis for day-to-day decision making by establishing a processing and review framework for future developers of property to consider when contemplating similar development of property in the Rural Economic/Recreation land use classification and the Resort Commercial zone.

3. **FINDING:** The amendment conforms to the requirements of state law and county policy. (§17.128.050(C)(3), Mariposa County Zoning Code)

   **EVIDENCE:** The change in the land use on the property to a campground will trigger implementation of state and local mandates that the project will be required to adhere to. State Special Occupancy Park standards and county standards will govern the permitting, construction and operation of the campground. The amendment to the land use on the
property has been processed in accordance with the requirements of state law and county policy.

4. **FINDING:** The amendment is consistent with other guiding policies, goals, policies and standards of the Mariposa County General Plan. (§17.128.050(C)(4), Mariposa County Zoning Code)

**EVIDENCE:** The change in the land use on the property to a campground is consistent with all goals, policies and standards of the General Plan. Additional campground facilities are a demonstrated need in Mariposa County. The campground use implements the applicable goals, policies, and implementation measures contained in the Economic Development and Regional Tourism elements of the General Plan. Section 6.1.05(A) in the general plan’s Economic Development Element addresses the need to expand the visitor serving economy. One of the components of implementing this goal states: “Expanding the visitor economy is an important short-term economic strategy. This expansion will be accomplished through a number of different efforts, but the primary goals are to extend the (tourist) “season” from five to nine months or longer, increase lengths of stay and room occupancy rates, and make Mariposa County, outside Yosemite National Park, a major destination for visitor activities.” Goal 13-5 in the Regional Tourism Element states: “Provide job growth and sustain County revenues by enhancing and expanding the visitor-serving sectors of the economy.” Policy 13-5a under this goal states: “Implement active programs designed to increase opportunities for a diverse tourism experience.” Two of the goals of Implementation Measure 13-5a(1) are “1. Increase the length of visitor stay within the County, and 2. Expand the tourist season into shoulder seasons.” The campground project will contribute to achieving the goals, policies and standards of the general plan, including extending the tourist season by providing winter camping.

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. (§17.128.050(C)(5)(a), Mariposa County Zoning Code)

**EVIDENCE:** The project site is already used for commercial recreation purposes. Access from Highway 140 onto the project site is adequate for the project. The project will provide on-site water and wastewater disposal systems. These systems will be permitted and constructed in accordance with all state and local standards. The Initial Study prepared for the project found no significant impacts on adjoining land uses. The site is surrounded on three sides by a large 2,700-acre ranch holding. There are no physical constraints to the development of the site as a campground use that cannot be addressed by permitting, construction, and operational standards that will be applied to the project. The Initial Study for the project found potentially significant impacts on biological resources, including ephemeral drainage/riparian features. Implementation of mitigation measures will reduce these potentially significant impacts to less than significant levels. There are no known cultural resources on the site that would be impacted by project development, according to the cultural resources survey prepared for the project. There is the potential for such
resources or human remains to be found during project construction and implementation of a mitigation measure to address this issue will reduce this potentially significant impact to a less than significant level.

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. (§17.128.050(C)(5)(b), Mariposa County Zoning Code)

**EVIDENCE:** The property is zoned Resort Commercial and campgrounds are a permitted use in this zone. The project only proposes a change to the existing land use on the project site. The campground project will expand employment opportunities in this area of the county. The project will provide five full-time employment positions and five part-time positions. The project will require a full-time, on-site manager. The project will provide a needed service to the sector of the touring public that seeks an outdoor accommodation experience while visiting Mariposa County. The project is in close proximity to the community of Mariposa, which will provide additional services to guests at the site.

7. **FINDING:** The project has been reviewed under the Special Use Standards for campgrounds contained in the Resort Commercial Zone. While several RV units are proposed as part of the project, they are limited for the use of employees. No RV spaces are allowed for transient occupancy. Any proposal to provide for additional RV spaces, beyond those allowed for use by employees will require an amendment, review, and approval pursuant to the Special Use Standards for Recreational Vehicle Parks (§17.96; Mariposa County Zoning Code)
Exhibit 2 - Conditions of Approval and Mitigation Measures for CIM Plan No. 2021-124

Project Name: Wildhaven Yosemite  Project Approval Date: January 11, 2022

The following conditions of approval and mitigation measures are applied to this project in order to ensure compliance with all applicable codes and policies and the findings of the initial study prepared for the project.

1. CIM Plan No. 2021-124 is approved for the following uses:

   Phase I
   • Construction of approximately 40 basic wood tent platforms, ranging in size from 10’ x 20’ to 12’ x 24’.
   • Pitch and furnish 40 canvas tents on top of tent platforms, which at full occupancy would hold 100 guests (assuming 2.5 avg. guests per tent).
   • Build an approximately 10’ x 10’ reception/check-in kiosk.
   • Design and build the communal bathhouse, supporting both Phase I and Phase II. The estimated size of the facility is 20’ x 60’ with rustic post and beam construction housing men’s and women’s bathrooms and approximately 10 shower stalls and eight toilets in each. The facility will be served by a new well (specific for a public water system) to be drilled on site and the property’s existing electrical infrastructure.
   • Construction of a septic system to support the bathhouse.
   • Install an automatic gate with emergency controls for fire service access.
   • Install non-permanent propane fire pits at the premium tents to reduce fire risk; the one common area non-permanent fire pit may switch to wood fuel in the winter months and would be managed by Wildhaven staff.

   Phase II
   • Build and furnish another approximately 40 tents using the same Phase I specifications. Completion of this construction would bring total tent capacity up to 80, which would serve 200 guests at full occupancy (assuming 2.5 average guests per tent).
   • Provide a portable bathroom trailer.

The approved site plan includes the installation of a 50,000-gallon storage tank for firefighting and back-up domestic supply and 82 parking spaces. The project proponent may incorporate the existing zipline amenity into the campground project. The zipline would be for the sole use of overnight campers. The reception facility for guest check-in, and a small store facility for guests to purchase incidentals, snacks, drinks (including beer & wine), and Wildhaven-branded merchandise would be located in the existing on-site office structure.
Timing of the implementation of the phases of development shall be at the sole discretion of the project proponent, but full project implementation must be completed prior to the project approval expiration date included in the conditions of approval.

(Mariposa Planning Recommendation)

2. The project shall be developed in substantial compliance with the approved site plan dated June 25, 2021. Prior to any modification and/or any deviation from the site plan approved by Mariposa County, said modification/deviation shall be reviewed and approved by the Planning Director in accordance with the conditions of approval. Minor modifications or amendments in the site layout, configuration, size, and materials of the project site may be approved by the Planning Director provided that any expansion does not exceed 10% of the size of area of the approved facility and provided a finding can be made that the potential modification does not create impacts which were not addressed in the original approval. Modifications or amendments to the project exceeding 10% of the size of the approved facility shall be approved by the Planning Commission and Board of Supervisors. The applicant may increase the number of RVs available for employee housing up to the total number of employees or 10 RVs, whichever is less. The RVs use shall be limited to employee housing. Should any proposed modification(s)/amendment(s) result in potential impacts which were not reviewed and conditioned by the original action and approval of this CIM Plan then an application for amended conditions/amended site plan may be required by the Planning Director.

(Mariposa Planning Recommendation)

3. This project is approved on January 11th, 2022. This approval shall expire January 11th, 2025. If the conditions of approval are not completed and the project is not fully implemented by January 11th, 2025 the applicant may request one (1) time extension of up to eighteen (18) months (total). The applicant must make this request in writing prior to January 11th, 2025.

(Mariposa Planning Recommendation)

4. The project shall be developed in strict conformance with applicable permitting and operational standards contained in Title 25, Division 1, Chapter 2.2 – Special Occupancy Parks, California Code of Regulations. The project shall not be approved for operation by Mariposa County until such time as the project receives a permit to operate by the California Housing and Community Development Department as required by Section 2010 (Permit to Operate – Construction Completed) of Article 1 (Administration and Enforcement) Title 25, Division 1, Chapter 2.2 – Special Occupancy Parks, California Code of Regulations. The project proponent shall provide Mariposa Planning with a copy of the permit to operate the facility issued by the California Housing and Community Development Department.

(Mariposa Planning Recommendation)
5. The project shall be implemented in compliance with all applicable standards of the Rural Economic land use classification and the Rural Economic/Recreation subclassification contained in Section 5.3.03 of the Mariposa County General Plan; with all applicable standards for a CIM Plan contained in Chapter 84 of Title 17; and with all applicable standards for the Resort Commercial zone contained in Chapter 17.96 of Title 17.

(Mariposa Planning Recommendation; General Plan and zoning standards).

6. The project proponent/operator shall employ for the life of the project the fire protection and mitigation standards contained in the Fire Hazard Mitigation Plan (FHMP) prepared for the project by Dudek, dated June 2021. The Emergency Operations Plan described in the FHMP shall be prepared to include all of the applicable standards required for Emergency Preparedness Plans contained in Section 2013 (Emergency Preparedness Plans) of Article 1 (Administration and Enforcement), Title 25, Chapter 2.2 – Special Occupancy Parks in the California Code of Regulations. The FHMP shall be allowed to be amended to add new standards or to amend original standards at the discretion of the project proponent/operator. Any amended standards shall be of equal or greater efficacy to those they replace.

(Mariposa Planning Recommendation; California Code of Regulations)

7. An encroachment permit shall be obtained from the California Department of Transportation (Caltrans) prior to any work being done within the State Highway 140 right-of-way. A copy of the encroachment permit or evidence that a permit is not required shall be provided to Mariposa Planning. All encroachment improvements shall be completed as required by Caltrans. Evidence that all encroachment permit improvements have been completed to the satisfaction of Caltrans shall be submitted to Mariposa Planning by the project proponent prior to the submittal to the state Housing and Community Development of an application for a permit to operate.

(Mariposa Planning Recommendation)

8. Prior to the issuance of a grading permit for the project, the project applicant shall submit engineered drainage plans to the California Department of Transportation for review to ensure that all Caltrans requirements regarding drainage from the project site are addressed. The drainage plans shall be prepared to Caltrans standards. The plans shall show how any runoff into State drainage facilities from the site is to be treated to meet current stormwater quality standards. If flows into State drainage facilities will not be increased by the project, the project shall provide Caltrans with information utilized to arrive at that conclusion. Verification of Caltrans review and approval of the drainage plans shall be provided to the Mariposa County Planning and Public Works departments prior to the issuance of a grading permit.

(Caltrans Recommendation)

9. Prior to issuance or authorization by the Planning Department for any permit, a final site plan showing all parking, camp sites, and employee RV spaces located a minimum of 50
feet from all property lines and 100 feet from the centerline of any dedicated public right-of-way shall be submitted and approved by the Planning Department. A landscaping plan shall also be submitted showing no more than 6 parking spaces adjoining each other without intervening landscaping. The final site plan and landscaping plan shall be in general conformance to the site plan dated June 25, 2021.

(Section 17.96.050.A.7 and Section 17.88.040.C. Mariposa County Code)

10. Prior to the installation of any signage, an application for Design Review of the proposed signage shall be submitted and approved by Mariposa Planning. In addition to compliance with Mariposa County sign standards, any outdoor advertising displays visible to traffic on Highway 140 shall be installed and constructed in compliance with state regulations. Such displays are subject to the provisions of the Outdoor Advertising Act (Business and Professions Code §5200 et seq) which requires the submittal of an Outdoor Advertising Permit Application to Caltrans. Evidence of the approval of such signage by Caltrans shall be provided to Mariposa Planning.

(Caltrans Requirement; §5200 et seq of the state Business and Professions Code)

11. The project applicant shall improve the access to a minimum of Rural Class III A road standard (24-foot wide graveled) from Highway 140 to the parking lot and all internal two-way roads. The access from State Highway 140 to the access points into the Spring Hill High School site is required to remain paved. The width of internal one-way roads may be reduced to 12 feet wide. Areas in excess of 16% grade shall be paved. The access roads shall meet the above standards prior to finalization of the Building Department or Housing and Community Development permits and prior to beginning operation of the project. The 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 a Registered Civil Engineer prior to the finalization of the Building Permits and beginning operation of the project. The applicant shall submit a letter signed and stamped by a Registered Civil Engineer stating that the road meets the County’s Rural Class III A road standards. Engineered improvement plans may be required to be 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 Building Department prior to commencement of construction work on the required road improvements. This section of roadway shall be maintained to this standard for the life of the project.

(Applicant Proposal, Road Improvement and Circulation Policy)

12. Prior to the commencement of any grading or construction activities on the project site, the project proponent 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 proponent shall obtain the permit prior to commencement of grading or construction activities. A copy of the approved permit or evidence that a permit is not required shall be submitted to Mariposa Planning by the proponent prior to
commencement of grading or construction activities. If a permit is required, all provisions and requirements of the permit shall be completed prior to issuance of a certificate of occupancy for the project. The proponent shall submit to Mariposa Planning evidence that the permit requirements have been met to the satisfaction of the Regional Water Quality Control Board.

(State Water Quality Control Board Order No. 99-08-DWQ, National Pollutant Discharge Elimination System (NPDES))

13. The project proponent shall obtain a transient, non-community water system permit from the California Department of Public Health, Division of Drinking Water and Environmental Management if the on-site well is to provide drinking water to guests and staff. The project proponent shall provide Mariposa Planning and the Mariposa County Health and Human Services Agency, Environmental Health Unit a copy of the permit prior to issuance of a certificate of occupancy for the project.

(California Department of Public Health, Division of Drinking Water and Environmental Management requirement)

14. Prior to the issuance of a grading or construction permit for the project, the project proponent shall prepare a grading and construction dust mitigation plan and a hazardous materials storage plan and submit the plans to the Mariposa County Health and Human Services Agency, Environmental Health Unit (EHU) for review and approval. The project proponent shall provide Mariposa Planning evidence of EHU approval of the plans.

(Environmental Health Unit Recommendation)

15. Prior to the issuance of a certificate of occupancy for the project, the project proponent shall prepare a solid waste management plan and submit the plan to the Mariposa County Health and Human Services Agency, Environmental Health Unit (EHU) for review and approval. The plan shall incorporate the standards contained in Section 2120 (Rubbish and Accumulation of Waste Material) of Article 2 (General Park Requirements), Title 25, Division 1, Chapter 2.2, Special Occupancy Parks, California Code of Regulations. Solid waste shall be handled in compliance with all applicable sections of Mariposa County Code Title 8.36. Outdoor trash containers shall be required to meet the standards of Chapter 8.44, of Title 8, Health and Safety, Mariposa County Code, commonly known as the “Mariposa County Bear Control Ordinance.” Verification by the Planning Department prior to issuance of Certificate of Occupancy. The project proponent shall provide Mariposa Planning evidence of EHU approval of the plan.

(Environmental Health Unit Recommendation)

16. All wastewater/sewage disposal shall be conducted in a manner approved by the Mariposa County Health and Human Services Department, Environmental Health Unit. Written confirmation from the Health and Human Services Department, Environmental Health
Unit that all necessary permits and requirements have been met shall be provided to the Planning Department prior to initiation of any project activities.

Prior to the use of any portable restrooms, a permit shall be obtained from the Environmental Health Unit. The length of use of portable restrooms may be limited.

(Marioposa County Health and Human Services Department, Environmental Health Unit Recommendation)

16. 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, and must meet International Dark Sky requirements (General Plan Implementation Measure 11-1.d(1)). A lighting plan showing the design and location of all exterior lights shall be submitted to the Planning Department up to thirty (30) days after the issuance of a Building Permit and the design of the lighting fixtures shall be subject to Planning Director approval.

(Marioposa Planning Recommendation)

17. Prior to issuance of the Certificate of Occupancy, 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 ($2,548.00 as of January 1st 2022) and County Clerk fee ($50 as of January 1, 2022) shall be paid by the applicant within five (5) working days of the approval of the application (by Tuesday January 18th, 2022, 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 Tuesday, January 18th, 2022 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 $2,598.00 (effective January 1st, 2022), and that it be in the form of a cashier’s check or money order payable to “Marioposa 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.

(California Department of Fish and Wildlife Requirement; Mariposa Planning Recommendation)

18. The Property Owner (Owner) shall indemnify, protect, defend, and hold harmless the County, and any agency or instrumentality thereof, and officers, officials, employees, or agents thereof, from any and all claims, actions, suits, proceedings, or judgments against the County, or any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof to attack, set aside, void, or annul, any approval of the County, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the County, concerning the project and the
approvals granted herein. Actions concerning the project and approvals granted shall include, but not be limited to, the environmental determination made pursuant to the California Environmental Quality Act (CEQA). Furthermore, Owner shall indemnify, protect, defend, and hold harmless the County, or any agency or instrumentality thereof, against any and all claims, actions, suits, proceedings, or judgments against another governmental entity in which Owner’s project is subject to that other governmental entity’s approval and a condition of such approval is that the County indemnify and defend such governmental entity. County shall promptly notify the Owner of any claim, action, or proceeding. County will further cooperate in the defense of the action.

An agreement on a form approved by Mariposa County Counsel shall be executed within twenty (20) working days of the date of project action. Non-compliance with this condition may result in revocation of project approval by the county.

(Mariposa Planning Recommendation)

19. Non-compliance with any of the conditions of approval for Commercial-Industrial-Manufacturing (CIM) Plan No. 2021-124 may be grounds for revocation of the CIM Plan.

(Mariposa Planning Recommendation)

20. It shall be the responsibility of the applicant to schedule an inspection with the Planning Department, two years after commencing operation of the project, to ensure continued compliance with the approved conditions of the project. The Planning Director may request information to determine compliance. At the discretion of the Planning Director, an item may be scheduled for the Planning Commission to review any compliance issues associated with the project. The applicant shall be responsible for all costs associated with this requirement.

(Mariposa Planning Recommendation)

21. The existing access road from State Highway 140 is a named road. A road name sign (Fremont Turnpike) shall be installed at the intersection of Highway 140 and the access easement. A new address shall be obtained from the Assessor’s Office based on the official road name. The applicant has the option of renaming the road if all of the road naming requirements can be met. This condition shall be satisfied prior to beginning operation.

(Mariposa Planning Recommendation)

22. Pre-construction field surveys for special status bat species during the breeding season (April 1st to August 31st) shall be conducted by a qualified biologist to determine whether active roosts are present on site, or within 100 feet of the project boundaries. Areas off the project site that are inaccessible due to private property restrictions shall be surveyed using binoculars from the nearest vantage point. Field surveys shall be conducted early in the breeding season before any construction activities begin, when bats are establishing maternity roosts but before pregnant females give birth (April through early May). Surveys
shall be conducted no more than seven days prior to the onset of construction. If no roosting bats are found, then no further mitigation is required. If suitable habitat and/or bat signs are detected, a biologist shall conduct evening visual emergence surveys from one-half hour prior to sunset to one to two hours after sunset for a minimum of two nights. If roosting bats are found, the disturbance of the maternity roosts shall be avoided by halting construction until the end of the breeding season, or a qualified bat biologist excludes the roosting bats in consultation with the California Department of Fish and Wildlife. If construction activities begin prior to April 1, no pre-construction surveys are required. If at any time during the roosting season construction stops for a period of two weeks or longer, pre-construction surveys shall be conducted prior to construction resuming. The Planning Department shall be provided a copy of the results of any survey conducted and evidence that any required mitigation measures have been implemented prior to initiation of construction or grading activities.

(Mitigation Measure 4.a.1)

23. Pre-construction field surveys for special status plant species identified as having a medium to high potential to occur within the habitats identified on the project site shall be conducted by a qualified biologist prior to commencement of construction activities. Surveys shall be conducted following the Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (California Department of Fish and Wildlife, 2018). Surveys are to be conducted in April and June of the year construction is to commence. As an example, if construction is to commence in August of a particular year, surveys conducted in April and June of that year will satisfy the pre-construction survey requirement. Surveys from prior years may be used in a prescribed circumstance. For example, if construction is to commence in May of a particular year, surveys from April of that year and June of the prior year will satisfy the pre-construction survey requirement. If such species are found, the project proponent shall prepare and implement a Transplantation and Monitoring Plan. The Plan shall be subject to review and approval by the California Department of Fish and Wildlife prior to commencement of any construction activities within the special-status plant species area. The Plan shall describe the intent and anticipated success of transplanting, and specific success criteria for transplanted plants and related long-term protection and management of transplanted plants. The Planning Department shall be provided a copy of the results of any pre-construction surveys conducted on the project site and any approved Transplanting and Monitoring Plan and evidence that any required mitigation measures contained in the Plan have been implemented prior to initiation of construction or grading activities.

(Mitigation Measure 4.a.2)

24. The project proponent shall prepare and implement a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP shall be prepared in accordance with State Water Resources Control Board standards and shall include a grading and erosion control plan required for all construction plans to address potential erosion control during construction. All construction plans and activities shall implement Best Management Practices (BMP) to provide effective erosion, runoff, and sediment control. BMPs may include, but not be
limited to, the use of straw waddles protecting down slope water features from construction activities, the use of silt fencing, or placement of construction exclusion fencing around stream or wetland resources in the vicinity of an activity. BMPs shall be selected to achieve maximum sediment removal and to represent the best available technology that is economically achievable.

If the project design changes and direct impacts to aquatic resources are anticipated, prior to the commencement of construction or grading activities in aquatic resources (such as ephemeral channels) within areas proposed for development, the project proponent shall acquire all applicable state and federal wetland and waters permits.

The Planning Department shall be provided a copy of all permit applications and evidence of approval of permits by applicable agencies, and evidence that any required measures approved by applicable agencies to protect water features have been implemented prior to initiation of construction or grading activities.

(Mitigation Measure 4.b.1)

25. Pre-construction surveys by a qualified biologist for active nests in suitable nesting habitat for raptors and migratory birds within 500 feet of the construction area during the nesting season (February 1 to September 15) shall be conducted. Areas off the project site that are inaccessible due to private property restrictions shall be surveyed using binoculars from the nearest vantage point. The survey shall be conducted no more than seven days prior to the onset of construction. If no active nests are identified during the pre-construction survey, no further mitigation is necessary. If construction activities begin prior to February 1, it is assumed that no birds would nest in the project site during active construction activities and no pre-construction surveys are required. If at any time during the nesting season construction stops for a period of two weeks or longer, pre-construction surveys shall be conducted prior to construction resuming. If active nests are found during the survey, the project proponent shall implement mitigation measures to ensure that the species would not be adversely affected, which would include establishing a no-work buffer zone as, approved by the California Department of Fish and Wildlife, around the active nest. Measures shall include, but would not be limited to:

1. For trees with active nests, the project proponent shall conduct any tree removal activities required for project construction outside of the migratory bird breeding season (February 1 through September 15).

2. If active nests are found on or within 500 feet of the project site, then the project proponent shall establish no disturbance buffers for active nests of 250 feet for migratory bird species and 500 feet for raptor species until the breeding season has ended, or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. Depending on the conditions specific to each nest, and the relative location and rate of construction activities, it may be feasible for construction to occur as planned within the buffer without impacting the breeding effort. Nests that are
inaccessible due to private property restrictions shall be monitored using binoculars from the nearest vantage point. Construction activities may be halted at any time if, in the professional opinion of the biologist, construction activities are affecting the breeding effort.

3. Depending on conditions specific to each nest, and the relative location and rate of construction activities, it may be feasible for construction to occur as planned within the buffer without impacting the breeding effort. In this case (to be determined on a case-by-case basis), the nest(s) shall be monitored by a qualified biologist during construction within the buffer. If, in the professional opinion of the monitor the project would impact the nest, the biologist shall immediately inform the construction manager and the project proponent shall notify the California Department of Fish and Wildlife. The construction manager shall stop construction activities within the buffer until the nest is no longer active. Completion of the nesting cycle shall be determined by a qualified biologist. If construction begins outside of the migratory bird breeding season (February 1 through September 15), then the project proponent is permitted to continue construction activities throughout the breeding season.

The Planning Department shall be provided a copy of the results of any survey conducted and evidence that any required mitigation measures have been implemented prior to initiation of construction or grading activities.

(Mitigation Measure 4.d.1)

26. 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 the project, if any signs of prehistoric, historic, archaeological, paleontological resources are evident, all work activity within fifty (50) feet of the find shall stop and the Mariposa County Planning Department shall be notified immediately. No work shall be done within fifty (50) 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 (NAHC) 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)