

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

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution
No. 2007-15

A resolution conditionally approving Land Division Application No. 2006-300; Wieg Development LLC, applicant. Assessor Parcel Number 016-290-001.

WHEREAS an application for land division was received on September 29, 2006 from Wieg Development LLC for a property located at an unassigned address in Catheys Valley at the southeast corner of the intersection of Cornett's Entrance Road and Old Highway, also known as Assessor Parcel Number 016-290-001; and

WHEREAS the project proposes the division of a 25 acre parcel into four parcels of five acres each and a Remainder of five acres; and

WHEREAS Cornett's Entrance Road is a County-maintained road that does not currently meet the General Plan standard for adequate capacity; and

WHEREAS the applicant modified the project description to include the improvement of Cornett's Entrance Road between its intersection with Old Highway and the encroachment of the onsite easement road, to improve Cornett's Entrance Road to a Rural Class IIB SRA standard; 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 4th of May 2007; 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 approve a Mitigated Negative Declaration; and

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby approve Land Division Application No. 2006-300; and

BE IT THEREFORE FURTHER RESOLVED THAT the project is approved based upon the findings set forth in Exhibit 1 with the terms, conditions, and mitigation measures set forth in Exhibit 2 and the mitigation monitoring program as set forth in Exhibit 3.

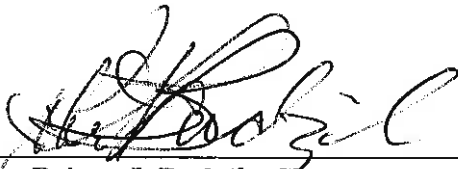
ON MOTION BY Commissioner Ross, seconded by Commissioner Skyrud, this resolution is duly passed and adopted this 4th of May 2007 by the following vote:

AYES: Commissioners DeSantis, Hagan, Ross, Rudzik, and Skyrud

NOES: None


EXCUSED: None

ABSTAIN: None



Robert L Rudzik, Chair
Mariposa County Planning Commission

Attest:



Carol Suggs, Secretary to the
Mariposa County Planning Commission

EXHIBIT 1
PROJECT FINDINGS
FOR
Land Division Application No. 2006-300

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

EVIDENCE: Based on site inspection and the proposed division of the existing parcel into four parcels of five acres each and a Remainder of five acres, the site is physically suited for low-density homes and appurtenant improvements such as septic systems provided that the conditions of approval regarding the septic systems and approved locations, wells, and access roads are met. The proposed project is located within the Mountain Home zone and the Residential land use classification of the General Plan. The subdivision density is designed in accordance with the Mountain Home zone.

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

EVIDENCE: The Initial Study prepared for the project found that based on the approved project description and the proposed mitigation measures, it would have a less than significant effect on the environment. According to the Department of Fish and Game's Natural Diversity Data Base and Areas of Special Biological Importance Map for Mariposa County, there are no special, rare, or endangered animal or plant species, or wildlife resources located on the project site and the surrounding area that would be affected by approval of this project. The land is currently and will continue to be used primarily for residential purposes. The project may have an adverse impact on wildlife resources and potential habitat areas, and is therefore subject to the California Department of Fish and Game filing fees of (\$1,800) for a mitigated negative declaration as required by California Fish and Game Code §711.4(d)(4) and a County Clerk fee of (\$50).

3. **FINDING:** The design of the subdivision or the proposed improvements is not likely to cause serious public health problems.

EVIDENCE: This land division and its subsequent use for low-density residential purposes are not likely to cause serious health problems. Future residential uses will be required to comply with all Building Code regulations and Health Department standards for the proper installation of wells and sewage disposal systems. The proper location and implementation of these improvements will ensure that serious health problems will not occur on the site. Additionally, all future residential uses will be required to comply with the State Fire Safe Standards as mandated by California Public Resource Code Sections 4290 and 4291, which will eliminate any potential health and safety issues related to fire protection.

4. **FINDING:** The proposed map is consistent with applicable general and specific plans as specified in Government Code Section 65451.

EVIDENCE: The land division is the initial step in the process to help accomplish the General Plan's Housing Element overall goal to "...provide an adequate supply of sound, affordable housing units in a safe and satisfying environment for the present and future residents of the County..." The land division satisfies the following Housing Element Policy: "to ensure that there are adequate sites and facilities available to support future housing needs." There is no specific plan governing this property.

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

EVIDENCE: The minimum parcel size proposed by the project is consistent with standards contained in the General Plan and the Zoning Ordinance. The land division's design complies with the County Subdivision Ordinance's maximum 4:1 length to width ratio for parcel configuration. The project site is not in an area governed by a Specific Plan. The applicant's proposal to improve Cornett's entrance Road to minimum County standards addresses the issue of adequate capacity as contained within section 5.3.02 of the 2006 General Plan.

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

EVIDENCE: The project will not conflict with any public easement. The project proposes improvements to a public access easement; the construction of these improvements may temporarily inconvenience the public but will cause no permanent conflict with public access rights. Affected utility companies have reviewed the proposed project and have not objected to the proposal.

EXHIBIT 2
CONDITIONS OF APPROVAL AND MITIGATION MEASURES
FOR
Land Division Application No. 2006-300

Project Name: Wieg Development LLC

File Number: LDA No. 2006-300

Project Approval Date: May 4, 2007

The following conditions of approval and mitigation measures were approved for this project in order to ensure compliance with county codes and policies, and to mitigate identified environmental impacts to a level of insignificance. A completed and signed checklist indicates that the conditions and mitigation measures have been complied with and implemented, and fulfills the County of Mariposa's Mitigation Monitoring requirements with respect to Assembly Bill 3180 (Public Resources Code Section 21081.6)

Approved Project Description: Subdivision of a 25-acre parcel into four parcels of five acres each and a Remainder of five acres. Improvement of Cornett's Entrance Road to a Rural Class II B SRA standard, including any and all necessary drainage structures.

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

	Monitoring Dept.	Verified Implemented
CONDITIONS OF APPROVAL / PUBLIC WORKS DEPARTMENT		
1. The road easement from Cornett's Entrance Road to the cul-de-sac on Parcels B and D and the Remainder shall be made 60 feet wide and non-exclusive. A cul-de-sac easement with a radius of 60 feet shall be provided at the end of each onsite easement road to encompass the required cul-de-sac improvements. Additional easement width may be required to encompass the required road improvements, including turnouts and associated cuts and fills, in accordance with the County Improvement Standards and Road Improvement and Circulation Policy. The road easement shall be designated for access for the use and benefit of the subject parcels. 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 on the parcel map that the dedication is for public utility purposes only.	Public Works	

<p>§16.20.130, County Subdivision Ordinance; Road Standard Cross-sections, Road Improvement and Circulation Policy.</p>		
<p>2. A dedication of 30 feet from the centerline of Cornett's Entrance Road within the project site shall be offered to the County of Mariposa. The offer of dedication shall be non-revocable and shall specifically state on the parcel map that the dedication is for "public road and utility purposes." The location and width of the offer of dedication shall be approved by the County Engineer.</p> <p>§16.12.150, County Subdivision Ordinance; Section II.A.3, Road Improvement and Circulation Policy</p>	<p>Public Works</p>	
<p>3. An encroachment permit shall be obtained from the Mariposa County Public Works Department prior to any work being done on or adjacent to Cornett's Entrance Road. In addition, all grading and road improvement work required as a condition of approval of this project shall comply with the Mariposa County Improvement Standards and all requirements contained therein. The County Engineer may require engineered improvement plans prepared by a Registered Civil Engineer for any improvements required as a condition of approval for this project. If engineered improvement plans are required, the plans shall be approved by the County Engineer prior to commencement of construction work on the required road improvements.</p> <p>Chapter 11, County Improvement Standards</p>	<p>Public Works</p>	
<p>4. The road within the onsite easement from Cornett's Entrance Road to the cul-de-sac on Parcels B and D and the Remainder shall be improved to a Rural Class I A SRA 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 at the time of 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.</p> <p>§16.12.170, County Subdivision Ordinance; Chart A and Section II.D.2.a, Road Improvement and Circulation Policy.</p>	<p>Public Works</p>	
<p>5. A cul-de-sac shall be constructed at the terminus of the on-site easement road, located on Parcels B and D and the Remainder. The cul-de-sac shall be improved to meet county standards and shall meet these standards at the time of parcel map recordation. The</p>	<p>Public Works</p>	

<p>required cul-de-sac improvements shall be completed in accordance with the Road Improvement and Circulation Policy and the County Improvement Standards and shall be inspected and approved by the County Engineer prior to recordation of the parcel map. If construction of a cul-de-sac is impractical due to the on-site terrain as determined by the County Engineer with the concurrence of CDF, the applicant may request permission to construct a hammerhead T turnaround. Prior to recordation of the parcel map, the County Surveyor shall confirm that this condition has been met.</p> <p>Section 11.4(B)(9) County Improvement Standards</p>		
<p>6. Access to Parcels A, B, and C shall be limited to the proposed onsite easement. No further encroachment permits to Cornett's Entrance Road for Parcels A and C will be granted; no encroachment permits to Old Highway shall be granted for Parcels A and B. A declaration shall be recorded with the parcel map, referenced on the parcel map and made appurtenant to Parcels A, B, and C. The declaration shall state the following:</p> <p>"Approved access for residential development of Parcels A, B, and C as shown on the Parcel Map for Wieg, filed in Mariposa County Official Records Book ___ of Parcel Maps at Page ___ is from (insert approved road name), and no additional encroachments shall be granted to these parcels from Old Highway or from Cornett's Entrance Road."</p> <p>The County Engineer will confirm that this condition has been met prior to map recordation.</p> <p>Public Works Recommendation</p>	<p>Public Works</p>	
<p>7. A road maintenance association shall be formed to provide for the maintenance of the roads in the onsite easement. Maintenance shall include, but not be limited to, drainage and erosion control devices, fuel modification, and upkeep of road surfaces. The Road Maintenance Association provisions shall be developed by the applicant so those parcels served by the easement roads shall be responsible for road maintenance. These provisions shall be reviewed and approved by the County Engineer prior to recordation of the parcel map and shall:</p> <ol style="list-style-type: none"> 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 100% of the parcels in the subdivision served by the 	<p>Public Works</p>	

<p>access road.</p> <p>d. Provide a mechanism for the road maintenance association to collect delinquent payments or assessments for the maintenance described above by filing a lien on the delinquent properties with the power of sale.</p> <p>e. Provide a mechanism for new parcels to be added to the association.</p> <p>Public Works Recommendation</p>		
<p>8. 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 California Department of Forestry and Fire Protection, the applicant, the agent, and the road contractor shall occur. This meeting shall be conducted onsite. This consultation meeting shall be set up by the applicant and/or agent. Any and all costs associated with the consultation shall be the responsibility of the applicant. The County Engineer shall verify that this condition has been met prior to issuance of any road improvement or encroachment permit required for this project and prior to the scheduling of any onsite inspection of road improvements.</p> <p>Public Works Recommendation</p>	<p>Public Works</p>	
<p>9. 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 Resource Conservation District (RCD). The applicant shall also contact the RCD for an inspection. Inspection fees shall be the responsibility of the application. A letter shall be submitted prior to recordation of the parcel map to the County Surveyor by RCD stating that the re-vegetation and erosion control provisions have been completed.</p>	<p>Public Works</p>	
<p>10. All required signs shall be installed on metal, break-away type posts prior to map recordation. The design and placement of signs shall be approved by the County Engineer prior to installation.</p> <p>Public Works Recommendation</p>	<p>Public Works</p>	
<p>11. A stop sign shall be placed onsite at the intersection of the onsite easement road and Cornett's Entrance Road. 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.</p> <p>Public Works Recommendation</p>	<p>Public Works</p>	

<p>12. A sign stating "THIS ROAD IS NOT COUNTY MAINTAINED" shall be installed onsite at the intersection of the onsite easement and Cornett's Entrance Road prior to map recordation. The design and specifications of the sign shall be in accordance with the County Improvement Standards and shall be approved by the County Engineer prior to installation.</p> <p>(Section III.A.4, Road Improvement and Circulation Policy)</p>	<p>Public Works</p>	
<p>13. A road name sign shall be placed at the intersection of the easement road and Cornett's Entrance 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.</p> <p>§16.12.175, County Subdivision Ordinance</p>	<p>Public Works</p>	
<p>14. A Verification of Taxes Paid Form, acquired no sooner than 30 days prior to the recordation of the final map, shall be submitted to the County Surveyor.</p> <p>§16.12.395, Mariposa County Subdivision Code</p>	<p>Public Works</p>	
<p>CONDITION OF APPROVAL / MARIPOSA PLANNING</p>		
<p>15. The onsite easement road shall be named in accordance with the criteria of County Resolution No. 92-541. A Road Name Request application for the onsite easement road shall be submitted to the Planning Department and be approved by the Planning Director. The name of the road within the project site shall be shown on the parcel map.</p> <p>County Resolution 92-541</p>	<p>Mariposa Planning</p>	
<p>16. Project approval is valid for a period of three years from May 4, 2007. This approval shall expire on May 4, 2010.</p> <p>§16.12.430, Mariposa County Subdivision Code</p>	<p>Mariposa Planning</p>	
<p>17. Prior to recordation of the final map, all fees associated with the County's processing of the map and filing of associated documents shall be paid. The Department of Fish and Game filing fee (\$1,800) and County Clerk fee (\$50) shall be paid by the applicant within five (5) working days of the approval of the application, because if the fee is not paid within 5 working days, the environmental determination is not operative, vested, or final (Section 21089(b) Public Resources Code).</p> <p>The County Clerk requires that one check be submitted to cover both of these fees, for a total of \$1,850.00, and that it be in the form of a cashiers check or money order payable to "Mariposa County;" The County Clerk will not accept a personal check for these fees.</p>	<p>Mariposa Planning</p>	

<p>Submit the check to Mariposa Planning who will file this fee and other required documents with the County Clerk.</p> <p>§16.12.390, Mariposa County Subdivision Code</p>		
<p>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.</p> <p>An agreement on a form approved by Mariposa County Counsel shall be executed within twenty (20) working days of the date of project action. Non-compliance with this condition may result in revocation of project approval by the county.</p> <p>§16.36.020, Mariposa County Subdivision Code</p>	<p>Mariposa Planning</p>	
<p>CONDITIONS OF APPROVAL/ MARIPOSA COUNTY HEALTH DEPARTMENT</p>		
<p>19. New subdivision lots will be served by an approved potable water supply. Prior to recordation of a parcel map for this project, the applicant will prove to the satisfaction of the Health Department that each new parcel has a supply of potable water meeting requirements for quantity and quality. Proof is as follows:</p> <ul style="list-style-type: none"> a. an approved connection from an approved public water provider; or b. a proposed connection to a shared well which has been preapproved 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 	<p>Environmental Health</p>	

<p>improvements may or may not include permanently installed pump equipment; or</p> <p>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</p> <p>e. other satisfactory proof which may consist of a hydrogeological study of the area by a qualified professional and wells drilled prior to sale.</p> <p>Additionally, if the property is to be served in the future by a well, there will be a requirement to record a disclosure statement concurrently with and referenced on the parcel map stating the following:</p> <p>“Water supplies for residential lands are derived from private wells on these parcels. 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.”</p> <p>§16.20.230.C, Mariposa County Subdivision Code; Mariposa County General Plan</p>		
<p>20. Percolation tests and soils analysis tests shall be performed on all parcels in accordance with Health Department rules and regulations. The results of these tests shall be submitted to the Mariposa County Health Department and be approved by the County R.E.H.S. prior to recordation of the parcel map. A letter from the County R.E.H.S. shall be submitted to the County Surveyor stating that approved percolation tests and soils analysis tests have been performed on the parcels. A statement shall be recorded in Official Records concurrently with the parcel map and referenced on the parcel map as follows:</p> <p>“Approved percolation tests and soils analysis tests have been performed on Parcels A, B, C, and D as shown on the Parcel Map for _____, filed in Mariposa County Official Records Book ___ of Parcel Maps at Page ___, 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 test, additional percolation tests and design recommendations may be required.”</p>	<p>Environmental Health</p>	

§ 16.12.330, County Subdivision Ordinance		
CONDITIONS OF APPROVAL/CALIFORNIA DEPARTMENT OF FORESTRY & FIRE PROTECTION		
21. Prior to recordation of the parcel map, all applicable State Fire Safe Regulations shall be met. A letter shall be submitted to the County Surveyor by CDF stating this condition has been met.	CDF	
CEQA MITIGATION MEASURES		
22. There shall be established a building setback of five [5] feet from the edge of historic resource on the project site. A statement shall be recorded in Mariposa County Official Records concurrently with the parcel map and referenced on the parcel map as follows: "There is a building setback of five [5] feet from the edge of the historic resource located on Parcels C and D as shown on the Parcel Map for Wieg, filed in Mariposa County Official Records Book ___ of Parcel Maps at Page _____. No structures shall be constructed within the setback. No portions of a sewage disposal system shall be constructed within the setback. No grading shall be allowed within the setback. No removal of vegetation shall be allowed within the setback except as may be necessary to meet fuel reduction requirements for clearance around structures as required by California Fire Safe Regulations Public Resource Code 4291. A well or wells, water pipes, underground and above ground power lines, fencing, and other similar structures or improvements may be constructed within the setback. This setback shall be in perpetuity and shall restrict the use of the land within the setback." Mitigation Measure No. 5.a.1	Public Works/ Mariposa Planning	
23. Prior to recordation of the parcel map, the applicant shall submit an Oak Tree Identification and Preservation Plan to the Mariposa County Planning Department. This Plan shall show all trees of the genus Quercus located onsite within fifty feet of the centerline of the onsite easement road that are 5" or larger in diameter at breast height, with breast height being 4 ½' above natural grade. All trees identified as Quercus that will be removed for construction shall be identified on this Oak Tree Site Plan. All oak trees identified for removal on the project site shall be replaced at a ratio of three to one of a like species of oak, minimum of 10-gallon size, purchased from a nursery that has stock compatible for project site conditions. This Plan shall be prepared by a certified professional arborist, licensed landscape architect, registered professional forester, qualified botanist, or other qualified professional as approved by the Mariposa County Planning Department. This Plan shall specify maintenance requirements, costs, and procedures to ensure the viability of the replacement trees. If no trees are removed for purposes of road	Mariposa Planning	

<p>construction, the Planning Director may waive this requirement. If the qualified professional preparing this survey suggests an alternative to replacing the trees to be removed, that alternative suggestion shall be evaluated by the Mariposa County Planning Department and if determined to be acceptable by the Planning Director, shall be implemented. The Plan shall be completed and approved prior to scheduling the onsite preconstruction meeting as required by Condition of Approval No. 8.</p> <p>Mitigation Measure 4.e.1</p>		
<p>REMAINDER CONDITIONS</p>		
<p>24. If the remainder is not shown on the recorded parcel map, then the applicant or agent shall provide the County Surveyor with a legal description (typed, stamped and signed legal descriptions along with lot closure computations) of the remainder.</p>	<p>Public Works</p>	
<p>25. The turnaround located at the common boundary of Parcel B, Parcel D, and the Remainder shall be improved to meet county standards and shall meet this standard at the time of the recordation of the certificate of compliance for the remainder. The required turnaround 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 (Road Improvement and Circulation Policy, Public Works and Planning Recommendation, CDF Requirement).</p>	<p>Public Works</p>	
<p>26. If the area of the turnaround easement within the remainder is not offered for dedication at the time the parcel map is recorded, then these areas shall be offered for dedication prior to or concurrent with issuance of the certificate of compliance for the remainder, and a legal description(s) (typed, stamped and signed legal descriptions along with lot closure computations) of this 30-foot wide area shall be provided to the County Surveyor.</p>	<p>Public Works</p>	
<p>27. Upon completion of the required road improvements for the remainder, the applicant shall re-vegetate all exposed soils and install other erosion control as recommended by the Resource Conservation District (RCD). The applicant shall also contact RCD for an inspection. Inspection fees shall be the responsibility of the applicant. A letter shall be submitted to the County Surveyor by RCD stating that the re-vegetation control provisions have been completed prior to the recordation of the Certificate of Compliance for the remainder.</p>	<p>Public Works</p>	
<p>28. A declaration shall be recorded concurrently with and referenced on the parcel map stating:</p>	<p>Planning</p>	

<p>“There shall be no county development permit (including, but not limited to a well permit, a septic permit, a grading permit, and/or a structure permit) issued to the remainder until all of the subdivision conditions for the remainder as established by the Planning Commission have been met. The remainder is not a parcel available for sale, lease or finance until all of the subdivision conditions for the remainder have been met. The remainder may or may not be surveyed.”</p>		
<p>29. A declaration shall be recorded with the parcel map and shall be referenced on the parcel/final map:</p> <p>“A Certificate of Compliance must be obtained prior to issuance of a development permit on the designated remainder in accordance with Section 16.04.030 of Mariposa County Code.” (Section 16.04.030, County Subdivision Ordinance)</p>	<p>Planning</p>	
<p>30. 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.</p>	<p>Planning</p>	
<p>RECOMMENDATION ON OFFERS OF DEDICATION</p>		
<p>Staff recommends that the Planning Commission recommend that the Public Works Director accept the offer of dedication for public access, utilities, and maintenance for the re-offer for dedication on Cornett's Entrance Road within the project site.</p> <p>Mariposa Planning Recommendation</p>	<p>Public Works</p>	
<p>Staff recommends that the Planning Commission recommend that the Public Works Director accept the offer of dedication for public utilities along the onsite private easement road.</p> <p>Mariposa Planning Recommendation</p>	<p>Public Works</p>	

EXHIBIT 3
MITIGATION MONITORING PROGRAM
FOR
Land Division Application No. 2006-300

Mitigation Measure 4.e.1: Prior to recordation of the parcel map, the applicant shall submit an Oak Tree Identification and Preservation Plan to the Mariposa County Planning Department. This Plan shall show all trees of the genus *Quercus* located onsite within fifty feet of the centerline of the onsite easement road that are 5" or larger in diameter at breast height, with breast height being 4 ½' above natural grade. All trees identified as *Quercus* that will be removed for construction shall be identified on this Oak Tree Site Plan. All oak trees identified for removal on the project site shall be replaced at a ratio of three to one of a like species of oak, minimum of 10-gallon size, purchased from a nursery that has stock compatible for project site conditions. This Plan shall be prepared by a certified professional arborist, licensed landscape architect, registered professional forester, qualified botanist, or other qualified professional as approved by the Mariposa County Planning Department. This Plan shall specify maintenance requirements, costs, and procedures to ensure the viability of the replacement trees. If no trees are removed for purposes of road construction, the applicant may waive this requirement. If the qualified professional preparing this survey suggests an alternative to replacing the trees to be removed, that alternative suggestion shall be evaluated by the Mariposa County Planning Department and if determined to be acceptable, shall be implemented. The Plan shall be completed and approved by the Planning Department prior to scheduling the onsite road construction meeting required as a condition of project approval.

Monitoring for Mitigation Measure 4.e.1: Prior to construction of the onsite easement road, the applicant shall prepare the plan showing all oak trees within fifty feet of the centerline of the easement road, and shall submit this plan to the Planning Department. When the plan has been reviewed and approved by the Planning Department, Planning shall submit a letter to the County Surveyor confirming that this requirement has been met. This requirement shall be met before the applicant schedules the onsite road preconstruction meeting. *Based on the incorporation of this mitigation measure into the approval for this project, the project will have a less-than-significant impact on biological resources.*

Mitigation Measure 5.a.1: The historic resource located on the project site shall be avoided during road construction activity and shall be minimally protected with an open space easement of five feet in width around the resource. This easement shall be shown on the parcel map recorded for this project.

Monitoring for Mitigation Measure 5.a.1: The applicant shall show the easement on the parcel map. Planning shall review the parcel map and shall confirm that this easement has been shown correctly prior to recordation of the parcel map.