

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

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution
No. 2007-22

A resolution conditionally approving Land Division Application No. 2006-41; David and Tracy Greenwood, applicants. Assessors Parcel Number 008-180-002.

WHEREAS an application for land division was received on February 13, 2006 from David and Tracy Greenwood for a property located at 5382 Colorado Road in the Midpines area, near the intersection of Colorado Road and Deer Meadow Way, also known as Assessor Parcel Number 008-180-002; and

WHEREAS the project was deemed complete as of March 13, 2006 pursuant to Government Code Section 65943 and is consequently subject to the 1981 General Plan; and

WHEREAS the project proposes the division of a 13.02 acre parcel into two parcels of 6.51 acres each; and

WHEREAS Colorado Road is a narrow county maintained road; and

WHEREAS the applicant modified the project description to include the an off-site improvement to Colorado Road to address the project's incremental impacts to Colorado Road; 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 1st day of June 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 adopt a Mitigated Negative Declaration.

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby approve Land Division Application No. 2006-41.

BE IT FINALLY 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 set forth in Exhibit 3.

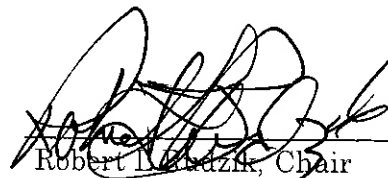
ON MOTION BY Commissioner Skyrud seconded by Commissioner Ross, this resolution is duly passed and adopted this 1st day of June 2007 by the following vote:

AYES: Ross, Rudzik, Skyrud, and DeSantis

NOES: None

EXCUSED: Hagan

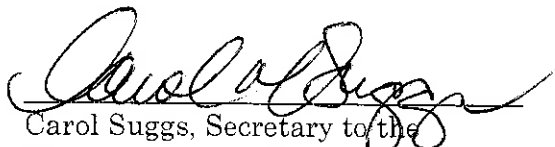
ABSTAIN: None



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. 2006-41

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 two parcels of greater than five acres each, 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, shared water system, and access roads are met. The proposed project is located within the Mountain Home zone and Land Use Classification. The subdivision density is designed in accordance with the Mountain Home zone and classification.

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

EVIDENCE: The Initial Study prepared for the project found that based on the approved project description and the proposed mitigation measures, it would have a less than significant effect on the environment. This project is limited in its scope, and will result in one additional parcel being created. One of the proposed parcels is already developed with residential improvements. There is access to the project site already, and minor work is all that will be required to comply with access requirements for the subdivision. Options are included for improving access to the developed parcel to address fire safety and emergency response impacts. The land is currently and will continue to be used primarily for residential purposes. The applicant will need to prepare an oak tree mitigation plan to address potential project impacts to oak trees. The only drainage on-site is along the northerly property line of the Parcel A, and cannot be built on based upon existing property line setback issues. The project is 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 a sewage disposal system on the undeveloped parcel. The project will be required to comply with requirements for a shared water system. The proper location and implementation of these improvements will ensure that serious health problems will not occur on the site. The project will be required to comply with requirements of Cal Fire relative to mitigate conditions on Colorado Road. Additionally

staff recommends options for improving the access to the existing residence on Parcel B. 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 (Mariposa County General Plan, 1981) and specific plans as specified in Government Code Section 65451.

EVIDENCE: This project was submitted on February 13, 2006. On March 13, 2006, this application was deemed complete for processing pursuant to Government Code Section 65943. Consequently, this project has been processed in accordance with the 1981 Mariposa County General Plan. 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: This project was submitted on February 13, 2006. On March 13, 2006, this application was deemed complete for processing pursuant to Government Code Section 65943. Consequently, this project has been processed in accordance with the 1981 Mariposa County General Plan. The minimum parcel size proposed by the project is consistent with standards contained in the 1981 General Plan and the Zoning Ordinance. The land division's design complies with the County Subdivision Ordinance's maximum 4:1 length to width ratio for parcel configuration. The project site is not in an area governed by a Specific Plan.

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

EVIDENCE: The project will not conflict with any public easement. The project 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. 2006-41

Project Name: Land Division for David and Tracy Greenwood

File Number: LDA No. 2006-41

Project Approval Date: June 1, 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 Public Resources Code Section 21081.6.

Approved Project Description: Subdivision of a 13.02 acre parcel into two parcels of 6.51 acres each in accordance with the approved tentative parcel map. The applicant proposes to make offsite improvements to Colorado Road to address cumulative impacts to traffic safety. In accordance with input from CDF, the applicant proposes to eliminate an unsafe condition on Colorado Road by improving the sight distance along a portion of the road to the satisfaction of CDF as follows:

1. Cut back the northerly road bank opposite the driveway to 5319 Colorado Road (0.2 miles easterly from Rancheria Creek Road.
2. Limb trees and remove brush in the area of 5319 Colorado Road.

These improvements will be done in accordance to standards established in the County Improvements Standards and the SRA fire safe regulations. An encroachment permit will be obtained for the work. All proposed improvements will be completed and "signed off" (approved) by CDF and the Public Works Department prior to recordation of the parcel map.

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

	Monitoring Dept.	Verified Implemented
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Project Description

Land Division Application No. 2006-41 is approved to divide a 13.02 acre parcel into 2 parcels of 6.51 acres each.

The applicant proposes to make offsite improvements to Colorado Road to lessen traffic impacts to Colorado Road and to address cumulative impacts. In accordance with input from CDF, the applicant proposes to eliminate an unsafe condition on Colorado Road by improving the sight distance along a portion of the road to the satisfaction of CDF as follows:

1. Cut back the northerly road bank opposite the driveway to 5319 Colorado Road (0.2 miles easterly from Rancheria Creek Road.
2. Limb trees and remove brush in the area of 5319 Colorado Road.

These improvements will be done in accordance to standards established in the County Improvements Standards and the SRA fire safe regulations. An encroachment permit will be obtained for the work. All proposed improvements will be completed and "signed off" (approved) by CDF and the Public Works Department prior to recordation of the parcel map.

CONDITIONS OF APPROVAL / PUBLIC WORKS DEPARTMENT

<p>1. The proposed onsite easement to the cul-de-sac as shown on the Tentative Parcel Map shall be made fifty feet wide and non-exclusive. The easement shall be designated for access for the use and benefit of the subject property only. A cul-de-sac easement with a radius of 60 feet shall be provided at the end of the proposed on-site easement to encompass the required cul-de-sac improvements. If the required cul-de-sac improvements can fit within a 50 foot radius easement, then the required cul-de-sac easement may be reduced to 50 foot radius. The cul-de-sac easement shall be designated for use and benefit of the subject property only. 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. Provisions for a public utility easement along the access and cul-de-sac 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. Prior to map recordation, the location and width of the easements shall be approved by the County Engineer.</p>	Public Works	
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<p>§16.20.160.B, County Subdivision Ordinance; Road Standard Cross-sections and Section II.A.3, Road Improvement and Circulation Policy.</p>		
<p>2. The edges or boundaries of the off-site easement for Deer Meadow Way from the project site to Colorado Road shall be staked in the field by the project surveyor prior to the on-site consultation meeting described in Condition No. 9. 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 easements.</p> <p>Planning Department recommendation</p>	<p>Public Works</p>	
<p>3. Should the Public Works Department determine that additional easement width within either APN 008-180-007 or APN 008-230-039 is necessary due to grading activities for the required road improvements to Deer Meadow Way, the necessary easement(s) shall be created and recorded prior to commencement of any road improvements for this project.</p> <p>Planning Department recommendation</p>	<p>Public Works</p>	
<p>4. Deer Meadow Way from Colorado Road to the southerly boundary of the project site shall be improved to a Rural Class IIA SRA standard or the appropriate standard pursuant to the Road Improvement and Circulation Policy in effect on the date of pre-construction conference required by Condition No. 8. The proposed on-site easement road shall be improved to a Rural Class IA SRA standard from the southerly boundary of the project site to the proposed cul-de-sac as shown on the tentative parcel map. The road shall meet these standards at the time of parcel map recordation. All portions of the on-site or off-site road that exceed 12% grade shall be paved unless the paving requirement is waived by the County Engineer. The on-site easement road shall connect to Deer Meadow Way such that there is a safe encroachment with adequate sight distance to the west for vehicles entering on to Deer Meadow Way from the on-site easement as approved by the Public Works Department.</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. An encroachment permit shall be obtained from Public Works prior to any work being done on or adjacent to Colorado Road, including any work done on the encroachment for Deer Meadow Way and including the project proposal work done to improve sight distance near 5319 Colorado Road. All encroachment improvements shall be completed as required by Public Works. Evidence that the encroachment permit has been completed to the satisfaction of Public Works shall be submitted to the County Surveyor by the</p>	<p>Public Works</p>	

<p>applicant prior to recordation of the parcel map.</p> <p>Chapter 11, County Improvement Standards</p>		
<p>6. A cul-de-sac shall be constructed at the terminus of the required road improvements for the onsite easement road. The cul-de-sac shall be improved to meet county standards and shall meet these standards at the time of parcel map recordation. The required cul-de-sac improvements shall be completed in accordance with the Road Improvement and Circulation Policy and the County Improvement Standards and shall be inspected and approved by the County Engineer prior to recordation of the parcel map. At the time of 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>Public Works</p>	
<p>7. A road maintenance association shall be formed to provide for the maintenance of the onsite easement road and Deer Meadow Way off-site. 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> <ul 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 access roads. d. Provide a mechanism for the road maintenance association to collect delinquent payments or assessments for the maintenance described above by filing a lien on the delinquent properties with the power of sale. e. Provide a mechanism for new parcels to be added to the association. <p>As an alternative to what is required above, the applicant may join into an existing Road Maintenance Association for Deer Meadow Way, 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</p>	<p>Public Works</p>	

<p>evidence that the subject parcels are legally "joined" into the existing association and shall provide information about the association. If the existing association doesn't agree to extend their maintenance responsibilities to include the on-site road, the applicant shall form a separate association for the on-site road as described in the first part of this condition.</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 following Planning Director approval of the Oak Tree Identification and Preservation Plan, a consultation meeting with the Public Works Department, the California Department of Forestry and Fire Protection, the applicant, and the road contractor shall occur. This meeting shall be conducted on-site. 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. Public Works shall verify that this condition has been met prior to construction of any road improvements required for this project and prior to the scheduling of any on-site inspection of road improvements.</p> <p>Public Works Recommendation</p>	Public Works	
<p>9. Immediately upon completion of the required road and encroachment improvements, and the driveway 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 applicant. A letter shall be submitted to the County Surveyor by RCD stating that the re-vegetation and erosion control provisions have been completed.</p> <p>§15.28.120, Mariposa County Buildings and Construction Code</p>	Public Works	
<p>10. All grading and road improvement work required as a condition of approval of this project shall comply with the Mariposa County Improvement Standards and all requirements contained therein. The County Engineer may require engineered improvement plans prepared by a Registered Civil Engineer for any improvement required as a conditional of approval for this project. If engineered improvement plans are required, the plan shall be approved by the County Engineer prior to commencement of construction work on the required road improvements.</p> <p>Mariposa County Improvement Standards</p>	Public Works	
<p>11. All signs required by the conditions of approval for this project shall be installed on metal, break-away type posts prior to map</p>	Public Works	

<p>recordation. The design and placement of signs shall be approved by the County Engineer prior to installation.</p> <p>Public Works Recommendation</p>		
<p>12. A stop sign shall be placed onsite at the intersection of Deer Meadow Way and Colorado Road. The stop sign shall be installed on a metal breakaway type post 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>	Public Works	
<p>13. A sign stating "THIS ROAD IS NOT COUNTY MAINTAINED" shall be installed onsite at the intersection of Deer Meadow Way and Colorado 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>	Public Works	
<p>14. A road name sign for Deer Meadow Way shall be placed at the intersection of Deer Meadow Way and Colorado Road. A road name sign for the on-site easement road shall be placed at the intersection of Deer Meadow Way and the project site. The design and specifications of the signs 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, Mariposa County Subdivision Code</p>	Public Works	
<p>15. A Verification of Taxes Paid Form, acquired no sooner than 30 days prior to the recordation of the parcel map, shall be submitted to the County Surveyor.</p> <p>§16.12.395, Mariposa County Subdivision Code</p>	Public Works	
<p>CONDITION OF APPROVAL / MARIPOSA PLANNING</p>		
<p>16. Project approval is valid for a period of three years from June 1, 2007. This approval shall expire on June 1, 2010.</p> <p>§16.12.430, Mariposa County Subdivision Code</p>	Mariposa Planning	
<p>17. The onsite easement road shall be named in accordance with the criteria of County Resolution No. 92-541. A Road Name Request application shall be submitted to the Planning Department and be approved by the Planning Director. The name of the road shall be shown on the parcel map.</p> <p>County Resolution No. 92-541</p>	Mariposa Planning	
<p>18. Prior to recordation of the parcel map, all fees associated with the County's processing of the map and filing of associated</p>	Mariposa Planning	

<p>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. 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>19. If the applicant has not drilled a well on Parcel A for the existing residence (on Parcel A) prior to recordation of the parcel map, an access easement for the existing well on Parcel A shall be created for the use and benefit of Parcel B. The access easement shall be located such that physical access can be made to the well from the access road on Parcel B. The width of the easement shall be 20 feet minimum. Additionally, a shared maintenance agreement shall be recorded concurrently with and referenced on the Parcel Map describing the property owner's responsibilities for sharing in all costs associated with the routine maintenance and upkeep of the existing well. Finally, the existing well on the property shall be brought up to current standards, including electrical standards, through a Building Permit process. Any requirements of the Health Department for a shared well shall be met prior to recordation of the parcel map.</p> <p>Planning Staff Recommendation</p>	<p>Mariposa Planning</p>	
<p>20. 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</p>	<p>Mariposa Planning</p>	

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.

§16.36.030, Mariposa County Subdivision Ordinance

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CONDITIONS OF APPROVAL/ MARIPOSA COUNTY HEALTH DEPARTMENT

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

If the results of the soil profile holes do not demonstrate to the approval of the County R.E.H.S. that a conventional septic system can be installed on the parcel, percolation tests and additional soils analysis tests shall be performed on the parcel in accordance with Health Department rules and regulations. The results of these tests shall be submitted to the Mariposa County Health Department and be approved by the County 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 parcel(s). A statement shall be recorded in Official Records concurrently with the parcel map and referenced on the parcel map as follows:

"Approved percolation tests and soils analysis tests have been performed on Parcel A as shown on the Parcel Map for ____, recorded in Book ____ of Parcel Maps at Page ____, Mariposa County Records, to verify the feasibility of installing an on-site septic disposal system. A map identifying the location of the approved percolation tests is on file in the County Health Department. If an on-site septic system is proposed for a portion of a parcel that has not had approved percolation tests, additional percolation tests and design recommendations may be required."

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

Environmental Health	
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CONDITIONS OF APPROVAL/CALIFORNIA DEPARTMENT OF FORESTRY & FIRE PROTECTION

22. 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

(California Public Resource Code)

CEQA MITIGATION MEASURES

23. To address non-conforming driveway access issues for Parcel B, one of the following options shall be met:

CDF, Public Works and Resource Conservation District

Option one The existing driveway shown on the Tentative Parcel Map (or a re-aligned and re-constructed driveway) from the new on-site cul-de-sac to the existing residence shall comply with minimum CDF requirements for a driveway. Parcel B shall be re-addressed so that the address is from the on-site easement road off of Deer Meadow Way. Any additional easement width to accommodate these improvements must be obtained prior to on-site construction work.

Option two The existing driveway for the residence on Parcel B may be maintained in the 30 foot wide "right-of-way" from the northern property line of the project site. The applicant shall perform brushing work within the full length and width of the 30 foot right-of-way off-site to improve fire safety. The applicant shall provide turnouts for passing within the existing off-site easement to improve access during a fire emergency. The turnouts shall be constructed in accordance with State Fire Safe standards for turnouts and shall be located at distances of approximately 510 feet, 775 feet and 1,300 feet from Colorado Road. Additionally, the existing turnout at 1,820 feet from Colorado Road (at the mobile home) shall meet State Fire Safe standards for turnouts unless waived by CDF. Should the turnout improvement work be outside of the existing easement, then the necessary additional easement width shall be created to ensure that future property owners have the ability to maintain the turnouts. The applicant shall name this easement and obtain a new address from the new road name. The road name process shall be in accordance with current Board policy, which will require approval by the Board of Supervisors. The existing turnaround on Parcel B shall be widened or a hammerhead turnaround shall be provided to allow a fire truck or similarly sized vehicle to turnaround.

Either option listed above shall be subject to a Grading Permit, if determined necessary by the Resource Conservation District.

Mitigation Measure; Planning Staff Recommendation.

24. Prior to recordation of the parcel map, the applicant shall

Mariposa

<p>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 and Deer Meadow Way 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, except as described below. 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. This mitigation measure is not intended to reduce the ability of the applicant to conduct necessary brushing work for fire safety.</p> <p>Mitigation Measure 4.e.1</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 utilities for the onsite easement road.</p> <p>Mariposa Planning Recommendation</p>	<p>Public Works</p>	

EXHIBIT 3
MITIGATION MONITORING PROGRAM
FOR
Land Division Application No. 2006-41

Insert Mitigation Measures and Mitigation Monitoring from Staff's recommendations as contained in the Initial Study or as modified by the Planning Commission.

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 on-site easement road and off-site along Deer Meadow Way 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, except as described below. 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 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, shall be implemented. The Plan shall be completed and approved by the Planning Department prior to scheduling the on-site road construction meeting required as a condition of project approval. This mitigation measure is not intended to reduce the ability of the applicant to conduct necessary brushing work for fire safety.

Monitoring for Mitigation Measure 4.e.1: *Prior to construction of any of the required on-site or off-site access improvements, the applicant shall prepare the plan showing all oak trees within fifty feet of the centerline of the on-site easement road and Deer Meadow Way, 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 7.g and 7h and 15e:

Prior to recordation of the parcel map, one of the following options shall be chosen and implemented by the applicant:

Option one: Improve the driveway from the cul-de-sac on-site (off of Deer Meadow Way) to the existing residence to comply with minimum CDF requirements, or re-align and reconstruct the driveway from the cul-de-sac on-site (off of Deer Meadow Way) to the existing residence to comply with minimum CDF requirements. Addressing for Parcel B would be required to be from the on-site access easement off of Deer Meadow Way.

Option two Allow Parcel B to continue to use the 30 foot wide "right-of-way" access from the northern property line as access to the existing residential improvements. Require brushing within the right-of-way and turnouts for passing to provide improved access to Parcel B from what exists today. Name this easement in accordance with current county policy, and obtain a new address for the residence from the new road name. Widen or reconstruct the turnaround on Parcel B to allow a fire truck to turnaround. This may be implemented with a hammerhead turnaround.

Monitoring for Mitigation Measure 7.g and 7h and 15e: The Public Works Department and CDF shall ensure compliance with this mitigation prior to recordation of the parcel map. *Based on the incorporation of this mitigation measure into the approval for this project, the project will have a less-than-significant impact on emergency response.*

Mitigation Measure and Mitigation Monitoring for 7.h:

See mitigation measure and mitigation monitoring for 7.g. Based on the incorporation of this mitigation measure into the approval for this project, the project will have a less-than-significant impact on risk of exposure of people and structures to wildland fires.

Mitigation Measure and Mitigation Monitoring for 15.e:

See mitigation measure and mitigation monitoring for 7.g. Based on the incorporation of this mitigation measure into the approval for this project, the project will have a less-than-significant impact on emergency access.

Mandatory Findings of Significance

The impacts related to the project are individually limited. They will have short-term implications and are typical to new construction. Complying with existing regulations and ordinances provides a means of reducing the impacts to a level of non-significance.

No plant communities and/or endangered species habitat will be removed or damaged as part of this project. It is not anticipated that any prehistoric, historic, or archeological resources would be affected by this project. There are no known endangered or rare species of plant, animal, or wild life within the project area. The incorporation of the proposed mitigation measures will reduce or eliminate any potential impact to the emergency response, human health and safety, and oak trees on the project site and within the Deer Meadow Way easement.

No evidence has been presented that would suggest that the project has the potential to achieve short-term goals to the disadvantage of long-term environmental goals. There are no significant impacts related to the project that are expected to cause substantial adverse effects on human beings either directly or indirectly. Based upon the environmental review conducted within this Initial Study, and the anticipated level of impact as a result of the project, a mitigated negative declaration will be adopted for the project.