

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

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution
No. 2007-26

A resolution recommending that the Mariposa County Board of Supervisors approve General Plan Zoning Amendment No. 2006-26 and conditionally approve Conditional Use Permit No. 2006-43, Midpines Bible Church, applicant. Assessor Parcel Number 009-170-024.

WHEREAS an application for a General Plan and Zoning Amendment and an application for a Conditional Use Permit were received on February 14, 2006 from the Midpines Bible Church for a property located at 4953 Carstens Road in Midpines, also known as Assessor Parcel Number 009-170-024; and

WHEREAS the project proposes to change the General Plan land use designation on the property from Rural Economic within the Midpines Town Planning Area to Residential within the Midpines Town Planning Area; and

WHEREAS the project proposed to change the zoning designation of the property from Resort Commercial to Mountain Home; and

WHEREAS the original land use and zoning designations on the property were Mountain Home, a five-acre minimum residential zone, according to the 1981 General Plan; and

WHEREAS the project also proposes to construct a church of 8,400 square feet, a parking lot with space for 75 cars, and a residence for the pastor on the project site; and

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

WHEREAS staff received comments on March 16, 2006 from the California Department of Transportation requesting that the applicants perform a Traffic Impact Study on the intersection of Carstens Road and State Highway 140; and

WHEREAS the applicant submitted a Traffic Impact Study on March 30, 2007, showing that the proposed project would not cause an adverse impact to Highway 140 in the area of the project site; and

WHEREAS staff received information on from CalTrans stating that they concurred with the conclusions of the Traffic Impact Study; and

WHEREAS the project is subject to the 2006 Mariposa County General Plan; and

WHEREAS a duly noticed public hearing was scheduled for the 15th 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 an 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 recommend that the Board of Supervisors approve a Mitigated Negative Declaration; and

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby recommend that the Board of Supervisors approve General Plan Zoning Amendment No. 2006-26; and

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby recommend that the Board of Supervisors approve Conditional Use Permit No. 2006-43; and

BE IT THEREFORE FURTHER RESOLVED THAT the recommendations for project approval are based upon the findings set forth in Exhibit 1, with Conditional Use Permit No. 2006-43 subject to the terms and conditions set forth in Exhibit 2 and the mitigation monitoring program set forth in Exhibit 3.

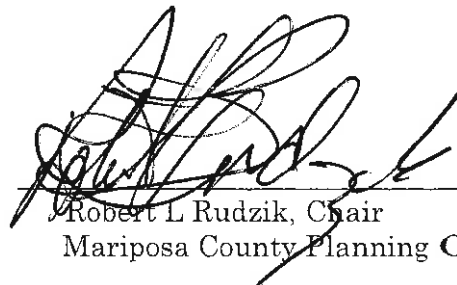
ON MOTION BY Commissioner Skyrud, seconded by Commissioner Ross, this resolution is duly passed and adopted this June 15, 2007 by the following vote:

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***

***GENERAL PLAN ZONING AMENDMENT No. 2006-26 AND
CONDITIONAL USE PERMIT No. 2006-43***

In keeping with Section 5.3.02 of the 2006 Mariposa County General Plan and Section 17.128.050 of the Mariposa County Zoning Code, the following findings are made for General Plan Zoning Amendment Application No. 2006-26:

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

EVIDENCE: The project will provide an institutional use of relatively low intensity which will be available to the public. The subject property is located within a short distance of State Highway 140, which constitutes the main tourist route within Mariposa County. Current access to the property is obtained from Carstens Road connecting to Highway 140. The property is located near an area of Mariposa County which serves as a commercial pocket; the increased traffic associated with this project will be incorporated into the existing traffic without significant adverse affect based upon the results of the traffic study. The project site is well buffered from the highway by vegetation surrounding Bear Creek, and is unable to be subdivided due to minimum parcel sizes, so it will remain at its current size. Adequate provisions for water, wastewater, garbage, and parking facilities will be provided on the project site to ensure that the area will not be negatively impacted.

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

EVIDENCE: The reversion of the subject property to the Mountain Home land use and zoning classification will provide a clear plan for the future development of the property in a manner consistent with the surrounding privately owned properties. The amendment is consistent with the existing zoning on the properties surrounding the project site, and will eliminate issues associated with commercial land use designations in the middle of public and residential land.

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

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

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

EVIDENCE: The development of community institutional facilities and the preservation of open space as proposed by this application are consistent with the Mariposa County General Plan. This amendment and the associated conditional use permit application will allow the Midpines Bible Church to construct a facility, providing a use consistent with the residential uses in the immediate vicinity of the project site and providing a facility that members of the community may use as a gathering place. The establishment of a church in or near a community planning area is consistent with the purpose of a planning area.

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

EVIDENCE: The subject parcels are found to be physically suitable for the proposed zoning classification based upon the existing development immediately surrounding the project site; the proposed development is consistent in appearance with the existing development in the area, and the scale of the development will be suitable for the project site. Utilities and infrastructure are available for this property, with access to the project site provided by a County-maintained road that connects to a State highway. There are no physical constraints on the property that would impede or prohibit institutional development of the project site. The project site is buffered from the highway by Bear Creek and its associated riparian vegetation as well as the scattered oak and pine vegetation, and provides good topography for the proposed church development.

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

EVIDENCE: The proposed zoning is logical and desirable in that it provides the potential for the proposed church development, which provides a basic service to the residents of Mariposa County in that a gathering place will be provided.

7. **FINDING:** The subject property is not subject to a Williamson Act Contract or zoned as a Timber Preserve.

EVIDENCE: The subject property is not now, nor has it ever been subject to a Williamson Act contract or zoned as a Timber Preserve. The original zoning and land use designation on this property was Mountain Home, which was amended in 1991 to Resort Commercial. At no time was the property used for agricultural purposes or for timber harvesting.

8. **FINDING:** There is a need for additional Residential land to meet General Plan goals, respond to changes in County policy, or to meet the Regional Housing Needs Allocation.

EVIDENCE: In order for this parcel to meet the General Plan goal to "Maintain the rural character of Mariposa County" (Goal 5-1) and the goal to "create land use density and development patterns to manage growth in patterns avoiding sprawl" (Goal 5-2), this parcel should be changed to Residential within the Midpines Planning Study Area

so that the church development may occur in an area defined by the plan as suitable for intense land uses.

9. **FINDING:** The subject property will be contiguous on at least two sides to lands within the Residential, Rural Economic, or Planning Area land use classifications.

EVIDENCE: The subject property is located within the Midpines Planning Study Area. Within the study area, the project is contiguous to Residential land on the north, northwest, southwest, and south side of the project site.

10. **FINDING:** The subject property has access from a maintained road.

EVIDENCE: Carstens Road is maintained by the County.

In keeping with the provisions of Section 17.112.040 of the Mariposa County Zoning Code, the following findings are made for Conditional Use Permit Application No. 2006-43:

1. **FINDING:** Adequate open space is provided by the project.

EVIDENCE: An existing open space easement one hundred feet in width (fifty feet on each side of the apparent centerline of Bear Creek) is shown over the entire length of Bear Creek within the project site, according to the proposed site plan as well as Mitigation Measure 4.b.1. Development of the lot, including the proposed building, parking areas, and driveway, will cover approximately 1.5 acres of the 7.75 acre project site. Future development on the project site will be subject to review through the conditional use permit process, and the effect of any future development on the adequacy of the open space onsite will be evaluated at that time.

2. **FINDING:** The site is physically suited for the proposed development.

EVIDENCE: The site plan provided in this staff report shows that the proposed development fits onto the site without excessive grading, is located easily within the required setbacks, conforms to the existing contours as much as possible, and provides for an open space buffer over the creek.

3. **FINDING:** Adequate provisions have been made for sewage disposal and handling of solid waste.

EVIDENCE: The Health Department has noted that any sewage disposal system located on the project site will require engineering; this requirement will be met prior to issuance of a building permit on the property. The Mariposa County landfill has the capacity to serve the solid waste disposal needs of this project.

4. **FINDING:** The proposed development will have adequate potable water for public use and fire protection.

EVIDENCE: The project site is 7.75 acres. The applicant will establish their adequate water supplies through the state or county permit process for a drinking water system. Onsite water storage requirements necessary for fire protection will be implemented prior to issuance of a Certificate of Occupancy for the church building.

5. **FINDING:** The project complies with all standard and special setback requirements and appropriate buffers have been provided for adjacent land uses.

EVIDENCE: The open space easement existing over Bear Creek within the project site is adequate separation between the proposed development area and the highway. All standard setback requirements have been met, and no special setback standards are applicable to this property.

6. **FINDING:** Appropriate access is available or is proposed to the development.

EVIDENCE: The project takes access from Carstens Road, a County-maintained road, which connects to Highway 140 at a point approximately 900 feet north-northwest of the project site. Conditions of approval will ensure that Carstens Road and its intersection at Highway 140 are adequate for existing traffic and proposed traffic by this project.

7. **FINDING:** The proposed use is consistent with the policies and standards of the general plan and any applicable specific plan.

EVIDENCE: The proposed use is listed as a conditional use for the proposed land use and zoning classification on the property. Please refer to the findings for the General Plan Zoning Amendment portion of this project for further information; there is no Specific Plan applicable to this property.

8. **FINDING:** The project as approved will not have a significant effect on the environment, or the significant impacts have been eliminated or substantially lessened, or determined that the significant effects are unavoidable and acceptable due to overriding concerns.

EVIDENCE: An Initial Study has been prepared for this project pursuant to the provisions of the California Environmental Quality Act. Mitigation measures have been incorporated into the project approval as a result of this environmental review, and due to the incorporation of these mitigation measures, the potentially significant impacts have been or will be lessened to a level that is less than significant.

9. **FINDING:** The establishment, maintenance, or operation of the use applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood or the general welfare of the county.

EVIDENCE: The project proposes the construction of a church building, two parking areas, and the improvement and widening of a driveway. The Health Department will monitor the installation of a well and septic system on the project site; the Public Works Department will ensure that the driveway is installed in a safe location; the Resource Conservation District will monitor grading activities to ensure that they are not detrimental. Churches are generally considered to be beneficial to public morals. The comfort and general welfare of the residents and employees in the immediate area as well as the county as a whole will not be negatively impacted by this project.

EXHIBIT 2
CONDITIONS OF APPROVAL AND MITIGATION MEASURES
FOR
Conditional Use Permit No. 2006-43

1. The Conditional Use Permit is approved for the development of an 8,400 square foot church, two parking areas with space for 75 vehicles, future construction of a single family residence and appurtenant structures, and improvement of the existing onsite driveway, which shall be widened to 22 feet as proposed by the applicant. An onsite engineered septic system will be required to serve this development; wells and water storage facilities will be developed onsite as necessary. Building sizes shall be as shown on the approved plans; maximum occupancy shall be as determined by the Building and Fire Departments. Expansions of up to 10% of square footage may be approved by the Planning Director; the Planning Director may also approve a modification of use, provided that the modified use is substantially similar to the approved use. To approve either an expansion in square footage or a modified use, the Planning Director must make a finding that there are no impacts with the expansion or modification which weren't addressed in the project approval documents. The project shall be developed in accordance with the approved plans; any deviation from the approved plans shall be reviewed and approved by the Planning Director, in accordance with the conditions of approval, prior to any modification being made.
2. Prior to issuance of a development permit to this property, including but not limited to permits for grading, wells, septic systems, or structures, the applicant shall submit a Scenic Highway Overlay development plan. The Planning Director shall review and approve this plan prior to permit issuance. All standards in place for the Scenic Highway Overlay shall apply to this project.
3. Prior to issuance of a development permit to this property, the applicant shall set up a meeting on the project site to review the location of the proposed on-site driveway, the encroachment location for the driveway off of Carstens Road, and to determine whether improvements to Carstens Road are necessary in order to comply with the adequate capacity standard of the General Plan and the State Fire Safe Regulations. This meeting shall be attended by a representative from CDF, a representative of the Public Works Department, the applicant, and the agent for the project. If any of the affected agencies determine that no improvements are necessary, then those agencies shall send a letter to the Planning Department to that effect. If any of the affected agencies do require improvements, those improvements shall be made in accordance with all applicable laws, policies and standards.
4. Prior to issuance of a Building permit for the project, the applicant shall obtain an encroachment permit from the Public Works Department for the expanded driveway connection to Carstens Road, and for improvements to Carstens Road if determined necessary by the Public Works Director to comply with adequate capacity requirements of the General Plan. The driveway shall be widened as

proposed by the applicant, and shall meet all Fire Safe Standards established by the California Department of Forestry and Fire Protection. The requirements of the encroachment permit shall be satisfied, and the Public Works Department and CDF shall confirm in writing to the Building Department that this condition has been met.

5. An encroachment permit from Caltrans shall be obtained prior to commencement of work within the Highway 140 right-of-way and prior to commencement of work on Carstens Road, if the Public Works Department determines that improvements are required for Carstens Road in order to comply with width requirements established by Condition of Approval No. 3 for this project. If a permit is required, all permit requirements shall be met prior to issuance of a Certificate of Occupancy.
6. Prior to issuance of a Certificate of Occupancy for any new structure on the project site, the applicant shall submit a detailed parking plan for the new development to the Planning Director for review and approval. The plan shall provide for the maximum proposed 75 parking spaces (9' by 19' each) and for adequate backing and turning areas. All driveways and parking spaces shall be maintained to minimum standards at all times. Should only a portion of the project be completed, or should the ultimate construction be phased, the Planning Director may allow construction of a portion of the required on-site parking for each increment of the development, based upon a finding that the parking is adequate for the project phase permitted.
7. This project shall meet all standards of PRC 4290 and 4291 as well as all standards established by the County Fire Department regarding institutional structures.
8. Prior to issuance of a Building Permit for any new structure on the project site, the applicant shall consult the Health Department regarding the production capacity needed to serve the proposed development and the production capacity of the existing onsite wells. The applicant shall either confirm with the Health Department that the existing wells will be sufficient to serve the development, or shall make provisions for additional water production and/or storage onsite. The Health Department shall confirm in writing to the Planning Department that the project has sufficient potable water. Should the Health Department determine that the project necessitates a Public Drinking Water permit from the California Department of Health Services, the confirmation of adequate water shall be the responsibility of this state agency. Additionally, the public drinking water permit shall be obtained prior to issuance of a certificate of occupancy.
9. Prior to issuance of a Building Permit for any onsite structure, the wastewater disposal system shall be designed in accordance with the requirements of the County Health Department, which shall include engineering, unless it is determined that a permit from the Regional Water Quality Control Board is required for this project. The wastewater disposal system shall be installed and approved by the County Health Department and/or the Regional Water Quality Control Board prior to issuance of a Certificate of Occupancy.

10. All structures shall be located a minimum of twenty five (25) feet from the edge of the Highway 140 right-of-way and from all property lines; the minimum setback for structures from Carstens Road shall be fifty-five (55) feet from the centerline of Carstens Road and twenty five (25) feet from the edge of the easement.
11. All new utilities shall be located underground. All propane storage tanks and garbage areas shall be screened from view from Highway 140, Carstens Road, and adjoining properties.
12. The applicant shall provide adequate facilities for solid waste disposal. Planning shall confirm that these facilities have been provided on the project site prior to issuance of a Certificate of Occupancy for any onsite structure. These facilities shall be screened from view from Highway 140.
13. All onsite lighting features shall be of a hooded type, shall produce the minimum amount of light necessary to complete its intended function, and shall direct light only onto the project site. The applicant shall submit an outdoor lighting plan to the Planning Director for review and approval prior to issuance of a building permit for any onsite structure. Staff recommends use of the Dark Sky International Association reference materials and recommendations for full cut-off fixtures.
14. All new construction shall be sided, roofed, and painted to be compatible with the architectural and design requirements of the Scenic Highway Overlay.
15. The project shall be completed within 3 years of the date of approval for this project (by June 15, 2010). The Planning Commission may grant an extension to this deadline for up to three years, provided that the Planning Director is able to find that substantial progress has been made toward satisfying the conditions of approval and that there are no new impacts associated with the project development.
16. Prior to issuance of a Building Permit and prior to issuance of a Certificate of Occupancy for any onsite structure, all fees associated with the processing of this application and the review of plans for any subsequent permit, shall be paid.
17. The applicant shall comply with all standards of the Mariposa County Grading Ordinance as modified below. These standards shall include but not be limited to:
 - A maximum height of 5 feet for all cuts and 10 feet for all fills; and
 - Immediate re-vegetation and sediment control for all cut and fill banks; and
 - All grading shall be confined to the project site; and

- A preliminary grading plan shall be prepared by the applicant and submitted to the Planning Director for review and approval prior to issuance of a grading permit for the project site; and
 - Any retaining walls necessary for the project shall be engineered and shall meet the material and color standards established by the Scenic Highway Overlay; and
 - If any grading is proposed on the project site within five feet of any property line, that line shall be surveyed and staked in the field; and
 - No grading activity shall take place within the proposed open space easement.
18. Prior to issuance of a grading permit for this project, the applicant shall have a biological resources survey done for the property by a qualified consultant, and shall provide a copy of the survey to the Planning Department, unless this requirement is waived by the California Department of Fish and Game based on the existing 100' easement over Bear Creek within the project site. This survey shall review the project site to determine whether suitable habitat is present to support the limestone salamander, and whether the development proposed by this project shall have a significant effect on the salamanders if they are present onsite. Any and all mitigation suggested by the consultant shall be incorporated into the project as recommended by the consultant and prior to issuance of a Certificate of Occupancy for the proposed church structure. If the Planning Director determines that incorporating such mitigation eliminates the potential development area on the parcel, the applicant shall amend the proposed site plan, and shall have the new plan reviewed and approved by the Planning Department prior to any construction work occurring on the project site. If the Planning Department determines that the revisions result in potential impacts not addressed by the original application, the Planning Department may require an application for amended conditions be submitted to address the amended plan.
19. An open space buffer and building setback of fifty [50] feet from the centerline of Bear Creek within the project site is existing on the project site.
20. Prior to the issuance of any permit on the project site, 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 in the area of construction activity 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 this project, the Planning Director may waive this requirement.

21. Prior to issuance of a grading permit for this project, the applicant shall have a cultural resources survey done for the property by a qualified consultant, and shall provide a copy of the survey to the Planning Department. Any and all mitigation suggested by the consultant shall be incorporated into the project as recommended by the consultant and prior to issuance of a Certificate of Occupancy for the proposed church structure. If the Planning Director determines that incorporating such mitigation eliminates the potential development area on the parcel, the applicant shall amend the proposed site plan, and shall have the new plan reviewed and approved by the Planning Department prior to any construction work occurring on the project site. If the Planning Department determines that the revisions result in potential impacts not addressed by the original application, the Planning Department may require an application for amended conditions be submitted to address the amended plan.

EXHIBIT 3

MITIGATION MEASURES AND MONITORING PROGRAM

FOR

Conditional Use Permit No. 2006-43

MITIGATION MEASURE 4.a.1.

Prior to issuance of a grading permit for this project, the applicant shall have a biological resources survey done for the property by a qualified consultant, and shall provide a copy of the survey to the Planning Department, unless this requirement is waived by the California Department of Fish and Game based on the existing 100' easement over Bear Creek within the project site. This survey shall review the project site to determine whether suitable habitat is present to support the limestone salamander, and whether the development proposed by this project shall have a substantial adverse effect on the salamanders if they are present onsite. Any and all mitigation suggested by the consultant shall be incorporated into the project as recommended by the consultant and prior to issuance of a Certificate of Occupancy for the proposed church structure. If the Planning Director determines that incorporating such mitigation eliminates the potential development area on the parcel, the applicant shall amend the proposed site plan, and shall have the new plan reviewed and approved by the Planning Department prior to any construction work occurring on the project site.

Monitoring for Mitigation Measure 4.a.1: Unless the requirement is waived by the Department of Fish and Game, the applicant shall hire a qualified professional to prepare the biological resources survey as described above; that survey shall be submitted to Mariposa Planning prior to issuance of a grading permit for the project. Planning shall review the survey and shall inform the applicant of any mitigation recommended by the survey consultant that needs to be incorporated into the project. This mitigation shall be incorporated into the project, and Planning shall review and approve the completed mitigation prior to issuance of a development permit to the property. Planning shall write a letter to the Building Department confirming that the cultural resource survey has been performed and all necessary work has been completed.

MITIGATION MEASURE 4.b.1.

There has been established an open space buffer and building setback of fifty [50] feet from the centerline of Bear Creek within the project site. A statement shall be recorded in Mariposa County Official Records and made appurtenant to the subject property prior to issuance of a Certificate of Occupancy for the proposed structure: "There is an open space setback of fifty [50] feet from the centerline of Bear Creek within the project site. No structures shall be constructed within the open space setbacks. No portions of a sewage disposal system shall be constructed within the open space setback. No grading shall be allowed within the setback. No removal of vegetation shall be allowed within the open space 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 open space setback subject to approval by California Department of Fish and Game. This setback shall be in perpetuity and shall restrict the use of the land within the setback."

Monitoring for Mitigation Measure 4.b.1: Prior to issuance of a Building Permit for the proposed church structure, the applicant shall submit a recordable document containing this declaration and all necessary recording fees to Planning. Planning shall review and approve the statement; the applicant shall then record the statement.

MITIGATION MEASURE 4.e.1.

Prior to the issuance of a permit for any structure on the project site, 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 in the area of construction activity 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 Planning Director may waive this requirement.

Monitoring for Mitigation Measure 4.e.1: The applicant shall hire a qualified professional to prepare the Oak Tree Plan as described above, including only the trees in the area of construction; that plan shall be submitted to Mariposa Planning prior to the issuance of a permit for the project site. Planning shall review and approve the Plan. Alternatively, the applicant may choose not to remove any oak trees during construction. The applicant shall confirm with Planning that no oak trees are to be removed, Planning shall inspect the project to ensure that there will be no impacts to oak trees.

MITIGATION MEASURE 5.A.1.

Prior to issuance of a grading permit for this project, the applicant shall have a cultural resources survey done for the property by a qualified consultant, and shall provide a copy of the survey to the Planning Department. Any and all mitigation suggested by the consultant shall be incorporated into the project as recommended by the consultant and prior to issuance of a Certificate of Occupancy for the proposed church structure. If the Planning Director determines that incorporating such mitigation eliminates the potential development area on the parcel, the applicant shall amend the proposed site plan, and shall have the new plan reviewed and approved by the Planning Department prior to any construction work occurring on the project site.

Monitoring for Mitigation Measure 5.a.1: The applicant shall hire a qualified professional to prepare the cultural resources survey as described above; that survey shall be submitted to Mariposa Planning prior to issuance of a grading permit for the project. Planning shall review the survey and shall inform the applicant of any mitigation recommended by the survey consultant that needs to be incorporated into the project. This mitigation shall be incorporated into the project, and Planning shall review and approve the completed mitigation prior to issuance of a development permit to the property. Planning shall write a letter to the Building Department confirming that the cultural resource survey has been performed and all necessary work has been completed.