

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution

No. 2014-015

A resolution approving Time Extension Application No. 2014-111. DNC Parks and Resorts at Tenaya, Inc. applicant. Assessor Parcel Number 010-410-013.

WHEREAS an application for a Time Extension was received on September 5, 2014 from DNC Parks and Resorts at Tenaya, Inc. for a property located at 1110 Hwy 41, Fish Camp CA Mariposa County, also known as Assessor Parcel Number 010-410-013; and

WHEREAS the application proposes an 18-month time extension for the implementation of the project known as the Tenaya Waste Water Treatment Plant; and

WHEREAS the time extension request was submitted pursuant to Tenaya Waste Water Treatment Plant Condition No.44 of Amended CUP 2014-56 PC Resolution No. 2014-006; and

WHEREAS the expiration date for the Tenaya Waste Water Treatment Plant Conditional Use Permit is October 11, 2014; and

WHEREAS the Planning Department circulated the application among County Departments; and

WHEREAS the application was reviewed pursuant to the Fish Camp Specific Plan; and

WHEREAS the Fish Camp Planning Advisory Council recommended to the Planning Commission approval of the 18- month Time Extension application at their meeting of October 18, 2014; and

WHEREAS a duly noticed Planning Commission public hearing was scheduled for the 21st day of November, 2014; and

WHEREAS a Staff Report and Notice of Determination 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 August 21, 2014 and considered all of the information in the public record, testimony presented by the public concerning the application, and the comments of the applicant; and

WHEREAS in accordance with the Tenaya Waste Water Treatment Plant Condition No.44 of Amended CUP 2014-56 PC Resolution No. 2014-006, Fish Camp Specific Plan and the Mariposa County Zoning Ordinance, the Mariposa County Planning Commission is the final county review authority for this application.

NOW THEREFORE BE IT RESOLVED THAT, the Planning Commission actions, interpretations and determinations are based on the following findings:

1. The Planning Commission of the County of Mariposa hereby finds this action to approve Time Extension Application No. 2014-111 is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061, CEQA Guidelines. There is no possibility that the activity in question, approving an 18-month time extension to implement the project may have a significant effect on the environment. The original project CEQA review was conducted and a mitigated negative declaration was adopted October 11, 2011 at the time of BOS approval of General Plan Specific Plan Zoning Amendment No. 2011-43 and Amended Site Plan/Conditions Application No. 2011-161, authorizing the amendment of CUP 241 for the Tenaya Waste Water Treatment Facility. (State Clearinghouse Number 2011031095.) The action of the Planning Commission is only for an extension of time for issuance of the first permit to “implement” the Conditional Use Permit. The Planning Commission’s discretion on the application is limited; the Commission has no authority to modify (apply conditions or mitigation to) the project based on the application submitted and this application proposes no changes in the project. The granting of additional time to implement the Conditional Use Permit will not have a significant effect on the environment. There have been no changes to the project which would affect the mitigated negative declaration. There have been no changes to environmental conditions on site or in the vicinity of the site which would affect the environmental review of the project. The Time Extension Application is not a substantial change in the project which will require major revisions of the previous mitigated negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
2. The Planning Commission of the County of Mariposa hereby finds that the request for an additional 18-months was submitted as allowed , pursuant to the conditions of approval for the Tenaya Waste Water Treatment Plant Condition of Approval No. 44 (COA-44) for the TWWTP required implementation of the project by October 11, 2014. And the same condition (COA-44) that authorized the opportunity to request an 18-month time extensions. (As a point of clarification and information, prior to the recent amendment of the CUP-241 for the “Timberloft” restaurant uses, COA-44 was numbered COA-47.)
3. The Planning Commission of the County of Mariposa hereby finds that the applicant has made progress on the project that further support their request as is evidenced by Building Permit Application (BP #30979) and review that include:
 - Plans- site, building and related plan sheets
 - Agency and County Department Comments
 - Planning Department Condition Compliance letter

4. The Planning Commission of the County of Mariposa hereby finds that the applicant has made progress on the project that further supports their request as is evidenced by work on ancillary activities required for condition compliance prior to building permit issuance including:

- CALFIRE THP verification
- Final Tree Removal Plan
- California Regional Water Quality Control Board verifications
- Health Department- Transition Plan/Remediation Plan for Tenaya Lodge and Cottages system and Shared Wastewater Treatment System Declarations

BE IT FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby approve Time Extension Application No. 2014-111, granting an 18-month time extension for the implementation of the Tenaya Waste Water Treatment Plant.

BE IT FINALLY RESOLVED THAT the project is approved with the terms and conditions set forth in Exhibit 1.

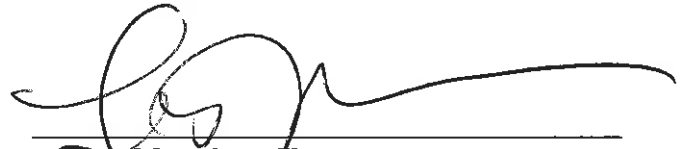
ON MOTION BY Commissioner Harris, seconded by Commissioner Harter, this resolution is duly passed and adopted this 21st day of November, 2014 by the following vote:

AYES: Becker, Bernikoff, Harris, Harter, Marsden

NOES: None

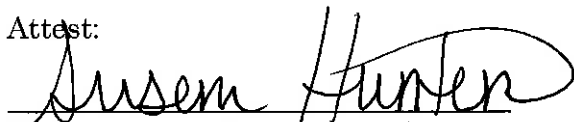
EXCUSED: None

ABSTAIN: None



Les Marsden, Chair
Mariposa County Planning Commission

Attest:



Susan Hunter, Secretary to the
Mariposa County Planning Commission

EXHIBIT 1
PROJECT CONDITIONS OF APPROVAL
FOR
TIME EXTENSION No. 2014-111 (CONDITIONAL USE PERMIT No. 2014-56 VARIANCE APPLICATION No. 2014-58)

Project Applicant: DNC Parks and Resorts **File Number: Time Extension, No. 2014-111**

Project Approval Date: November 21, 2014

The following lists the conditions of approval for the original CUP 241 (Conditions 1 through 26), Amended Site Plan Conditions 2010-161 (Amended Condition 1, and 27 through 66), CUP Amendment 2014-56 and Variance No. 2014-58 conditions (67 through 75) and Time Extension No 2014-111 amendment to condition No. 44.

Sign-Off Checklist for Conditions of Approval		
CONDITIONS OF APPROVAL	MONITORING DEPARTMENT	VERIFIED IMPLEMENTED
<p>1. The Use Permit is approved for the development of a 5,230 sq.ft. Lodge (containing an approximately 1,000 sq.ft. dining room, an approximately 640 sq.ft. conference room, a kitchen, bathrooms, laundry, mechanical room, storage, an 1,100 sq. ft. pub microbrew use a 3,053 sq.ft. recreation building (contained a pool, spas, laundry, bathroom, and racquetball court), 52 lodging units (contained within 21 separate units), and one residence, in general compliance with the approve site plan, building elevations on file at the Planning Department, and the donation of \$10,000 to the Mariposa County Fire for use by the Fish Camp Fire Rescue for the purchase of equipment. Expansion of up to 10% of square footage may be approved by the Planning Director, no expansion in the number of lodging units is permitted by this use Permit. 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 and standards of the Fish Camp Specific Plan and County Zoning Ordinance, prior to any modification being made. The Use Permit is also approved for the development of a new wastewater treatment facility on APN No. 010-410-013 for the Tenaya Lodge facilities located on APN 010-410-012 and Tenaya Cottages facilities located on APN 010-410-013. No other development shall be considered or allowed on this parcel except for the uses and development specifically described in this condition and accessory or appurtenant structures specifically associated with and necessary for the uses and development specifically described</p>	<p>MARIPOSA PLANNING</p>	

<p>in this condition and the operation of the wastewater treatment facility. Specific mitigation measures associated with the wastewater treatment facility as required by Mariposa County and other outside agencies shall be implemented as part of the construction and future operation of the wastewater treatment facility. Such mitigation measure shall be detailed in the Mitigated Negative Declaration for the wastewater treatment facility project. Should the Assessor's Parcel Number (APN) change for the wastewater treatment facility sometime in the future, that new APN shall carry with it all conditions of approval as applied to the old APN.</p> <p>(Mariposa Planning Recommendation)</p>		
<p>2. The project shall be reduced in size from 53 lodging units to 52 lodging units to be compatible with the Fish Camp Specific Plan density standards.</p> <p>(Mariposa Planning Recommendation)</p>	<p>MARIPOSA PLANNING</p>	
<p>3. All new woodburning apparatus installed on the project site shall meet or exceed EPA Phase II requirements.</p> <p>(Mariposa Planning Recommendation & Mitigation Measure)</p>	<p>MARIPOSA PLANNING</p>	
<p>4. (Condition stricken by past actions)</p>	<p>MARIPOSA PLANNING</p>	
<p>5. (Condition stricken by past actions)</p>	<p>MARIPOSA PLANNING</p>	
<p>6. An encroachment permit shall be obtained from the Mariposa County Building Department prior to any work being done on or adjacent to Jackson Road, including driveway improvements and septic disposal lines crossing the roadway. The applicant shall develop a standard commercial encroachment onto Jackson Road in accordance with County standards.</p> <p>(Public Works and Mariposa Planning Recommendation)</p>	<p>PUBLIC WORKS & PLANNING DEPARTMENTS</p>	
<p>7. Prior to the issuance of Certificate of Occupancy to any of the new hotel buildings an emergency access road shall be provided in the location of the existing unimproved access road. This road shall be made a minimum of 12' wide and paved. Slope of the road shall not exceed 16%. A breakaway 14' gate shall be placed at the intersection of the emergency access road and Jackson Road and at the intersection with the onsite roadway. The road shall be posted "For Emergency Use Only" at both ends of the roadway. Addressing of the project site shall be completed in accordance with PRC 4290. The grade of all onsite roadways shall not exceed 16%, all one way roads shall be a minimum of 12' wide, all two-way roads shall be a minimum of 18' wide. All on-site roads, including emergency</p>	<p>COUNTY FIRE</p>	

<p>access roadways shall be paved. No improvements are required to the existing driveway serving the two cabins to remain on the northern portion of the project site.</p> <p>(County Fire, CDF Recommendation / Mitigation Measure)</p>		
<p>8. A pedestrian circulation system shall be developed on the project site. This circulation system may incorporate a combination of pathways associated with roadways, as well as paths not associated with roadways. The applicant shall submit a pedestrian circulation plan to the Planning Director for review and approval prior to the issuance of a Certificate of Occupancy to any of the new lodge buildings. This plan should designate the pathway locations as well as methods of surfacing and erosion control mechanisms. This system should connect each on-site unit to both the restaurant facility, recreation facility, and individual units parking areas.</p> <p>(Mariposa Planning Recommendation & Mitigation Measure)</p>	<p>PLANNING DEPARTMENT</p>	
<p>9. Clearance of flammable material around structures on the project site shall be completed in accordance with the standards of PRC 4291.</p> <p>(CDF recommendation/ Mitigation Measure)</p>	<p>CDF</p>	
<p>10. The applicant shall maintain all on-site driveways (including emergency access driveway), parking areas, and turnarounds in a passable condition at all times in which any portion of the lodge development is in operation.</p> <p>(Mariposa Planning Recommendation)</p>	<p>PLANNING DEPARTMENT</p>	
<p>11. All areas identified on the approved map as snow storage areas shall be maintained clear of any debris, structures, or plantings which would inhibit their use by snow removal equipment.</p> <p>(Mariposa Planning Recommendation)</p>	<p>PLANNING DEPARTMENT</p>	
<p>12. Prior to the issuance of a Building or Grading Permit for any construction on the project site the applicant shall have sewage disposal system plans approved by the Mariposa County Health Department. All conditions of system development shall be met and approved by the Health Department prior to issuance of a Certificate of occupancy.</p> <p>(Health Department, Planning Department Recommendation)</p>	<p>HEALTH & PLANNING DEPARTMENTS</p>	
<p>13. Prior to the issuance of a Certificate of Occupancy to new development, the applicant shall have a Public Water System permit from the State Department of Health Services.</p> <p>(State Department of Health Services & Planning Department Recommendation)</p>	<p>HEALTH & PLANNING DEPARTMENTS</p>	

<p>14. The applicant shall coordinate with the County Public Works Department to complete solid waste disposal in a manner which has limited impacts on solid waste capacity in the area. Methods to limit impacts may include timing of solid waste disposal, hauling of solid waste, recycling, etc. The applicant shall insure that the timing of delivery of solid waste does not adversely affect the Transfer Station. Prior to issuance of a Certificate of Occupancy to new development the applicant shall submit verification that this condition has been satisfied.</p> <p>(Health Department Recommendation/ Mitigation Measure)</p>	<p>HEALTH DEPARTMENT</p>	
<p>15. (Condition stricken by past actions)</p>	<p>PLANNING DEPARTMENT</p>	
<p>16. The applicant shall provide a minimum of 46,000 gallons of water storage for firefighting purposes. The applicant shall provide a minimum at a 30,000 gallon tank and 16,000 gallons of water storage may be located in the swimming pool. The storage tank shall be connected to a fire hydrant system consisting of a minimum of four fire hydrants and the swimming pool shall be connected to a standpipe approved by the County Fire Chief. Each hydrant shall have the capability to flow 750 gallons per minute at 40 psi. An auto-starting back up generator shall be provided to facilitate water flow in the system, should electricity be shut down for any length of time.</p> <p>(County Fire Recommendation / Mitigation Measure)</p>	<p>COUNTY FIRE</p>	
<p>17. All new on-site power lines, constructed to serve the proposed development, shall be located underground. If undergrounding of new lines is not reasonably available as determined by the Planning Director, than the applicant may be allowed to place the first pole on any new service on site. subject to approval by the Planning Director</p> <p>(Planning Department Recommendation/Mitigation Measure)</p>	<p>PLANNING DEPARTMENT</p>	
<p>18. All exterior lights shall be of a hooded type, shall be designed to direct light onto the intended area only, and shall not direct light off site. All exterior lighting shall be reviewed and approved by the Planning Director prior to installation. These lights shall be of the minimum intensity necessary to provide for safe travel through the project site. Additionally, all new lighting shall meet the criteria set forth by the International Dark Sky Association (www.darksky.org). This condition shall apply to sign lights, site lights, security lighting, parking lot lighting, and decorative lights.</p> <p>(Planning Department Recommendation/Mitigation Measure)</p>	<p>PLANNING DEPARTMENT</p>	
<p>19. The applicant shall submit a revised parking plan to the Planning Director for review and approval prior to issuance of a Building Permit for any new development on the project site, In</p>	<p>PLANNING DEPARTMENT</p>	

<p>addition to the existing parking proposed on the site plan, the revised plan shall provide: one designated parking space for each of the existing cabins to remain; two designated parking spaces for the caretakers residence to remain relocation of the two parking spaces in front of the access road to the water storage tank: one additional space along the western portion of the on-site road in the vicinity of the existing access road. A total of sixty eight (68) spaces shall be provided on site in accordance with the site plan approved by Variance No. 2014-58 prior to building permit final for the pub microbrew use. The on-site parking spaces shall be maintained and accessible at all times when the facility is in operation. Parking lot directional signage shall be provided, to provide directional information regarding on-site or overflow parking locations.</p> <p>(Planning Department Recommendation/Mitigation Measure)</p>		
<p>20. (Condition stricken by past actions)</p>	<p>PLANNING DEPARTMENT</p>	
<p>21. Trees planned for removal, shall be flagged. Trees not planned for removal shall be protected during construction activity by temporary fencing when necessary.</p> <p>(Mitigation Measure)</p>	<p>PLANNING DEPARTMENT</p>	
<p>22. The proposed propane tank shall be located in such a manner to meet all required Zoning and Building Code setbacks.</p> <p>(Planning Department Recommendation)</p>	<p>PLANNING DEPARTMENT</p>	
<p>23. If additional dedication or right of way is required by Caltrans the applicant shall modify the site development plan to locate all new construction a minimum of 10' from the edge of the modified right of way.</p> <p>(Planning Department Recommendation)</p>	<p>PLANNING DEPARTMENT</p>	
<p>24. (Condition stricken by past actions)</p>		
<p>25. All project signage including any amended project signage shall be constructed in conformance with Section VI.A.3.c of the Fish Camp Specific Plan which regulates signage.</p> <p>(Planning Department Recommendation)</p>	<p>PLANNING DEPARTMENT</p>	
<p>26. (Condition stricken by past actions)</p>	<p>PLANNING DEPARTMENT</p>	
<p>27. All new buildings and structures that are part of the wastewater treatment plant project shall be painted or finished in muted tones and colors. No reflective surfaces shall be approved. The final exterior building colors (including siding and roofing) shall be reviewed and approved by Mariposa Planning</p>	<p>PLANNING DEPARTMENT</p>	

<p>prior to issuance of a building permit for the project. Final building paint or finish colors shall be submitted to Mariposa Planning for review and approval prior to issuance of a building permit for the new wastewater treatment facility. Building colors shall be colors that minimize the buildings visual impact from State Highway 41. Paint colors, such as earth tones, should reflect the adjacent natural environment. The new wastewater treatment facility structure shall have no shiny or reflective surfaces.</p> <p>(Mariposa Planning Recommendation)</p>		
<p>28. All new exterior lighting that is part of the new wastewater treatment facility shall be of a hooded type design (shielded fixture) and be designed to direct light onto the intended area. Additionally, all new lighting shall meet the criteria set forth by the International Dark Sky Association (www.darksky.org). Lighting shall be of the lowest intensity needed to perform the intended function at the project and shall not light any off-site parcels.</p> <p>(Mariposa Planning Recommendation)</p>	<p>PLANNING DEPARTMENT</p>	
<p>29. All fees for processing of this project, including publication costs, shall be paid within forty-five (45) days of the date of billing. A building permit for the wastewater treatment plant shall not be authorized if there are outstanding planning fees.</p> <p>(Mariposa Planning Recommendation)</p>	<p>PLANNING DEPARTMENT</p>	
<p>30. A landscape and irrigation plan shall be submitted by the project proponent for review and approval prior to issuance of a building permit for the new wastewater treatment facility. Planting areas along the perimeter of the new wastewater treatment facility shall be designed so as to maximize the effectiveness of the landscaping as a screen. Plant species and spacing shall be chosen such that full screening from Highway 41 and Jackson Road is achieved within five (5) years of project completion. Planting areas for perimeter landscaping shall be a minimum of three (3) feet wide. New landscaping shall be designed to effectively screen the wastewater treatment facility and any appurtenant structures from Highway 41 and Jackson Road. Any proposed landscaping shall incorporate or utilize indigenous or water conserving plants whenever possible. Plants that are susceptible to insects and disease shall be prohibited. If at any time a plant dies, the project proponent shall be responsible for replacing the dead plant in a timely manner. Retention of existing vegetation is encouraged to achieve these landscape plan objectives.</p> <p>(Mariposa Planning Recommendation)</p>	<p>PLANNING DEPARTMENT</p>	
<p>31. Shrub materials shall be a minimum of five (5) gallons in</p>	<p>PLANNING</p>	

<p>size at the time of planting. Trees shall be selected from the Planning Department's approved tree list, and shall be a minimum of 15 gallons in size at the time of planting. Landscape plans shall consider the full growth of vegetation.</p> <p>(Mariposa Planning Recommendation)</p>	<p>DEPARTMENT</p>	
<p>32. Any planting areas that may be subject to damage from pedestrian or vehicular traffic shall be protected by curbing, fencing or walls.</p> <p>(Mariposa Planning Recommendation)</p>	<p>PLANNING DEPARTMENT</p>	
<p>33. Drip irrigation shall be encouraged as a water conservation measure.</p> <p>(Mariposa Planning Recommendation)</p>	<p>PLANNING DEPARTMENT</p>	
<p>34. The property owner shall be responsible for the maintenance of all landscaping in good condition so as to present a healthy, neat and orderly appearance for the life of the development. Dead or diseased plants shall be immediately replaced with plants which meet size requirements.</p> <p>(Mariposa Planning Recommendation)</p>	<p>PLANNING DEPARTMENT</p>	
<p>35. Any future signage for the waste water treatment facility will require separate design review and permitting. Signage for the pub microbrew use is approved as part of this resolution. Addressing may be required for the Building Permit.</p> <p>(Mariposa Planning Recommendation)</p>	<p>PLANNING DEPARTMENT</p>	
<p>36. An area or areas shall be shown on the final development plans indicating where snow storage for the wastewater treatment plant will occur. Snow storage areas shall not impact access to the site, required parking or facility operation.</p>	<p>PLANNING DEPARTMENT</p>	
<p>37. As many of the existing on-site trees shall be preserved on the development site as possible in order to create a vegetative screen around the new wastewater treatment facility from both Highway 41 and Jackson Road. A final tree removal plan shall be presented to Mariposa Planning for review and approval prior to removal of any trees on the development site.</p> <p>(Mariposa Planning Recommendation)</p>	<p>PLANNING DEPARTMENT</p>	
<p>38. An encroachment permit shall be obtained by the applicant prior to any proposed access improvements to the development site or project work that involves a County right-of-way. This permit shall be obtained from the Department of Public Works prior to the start of any construction work involving any County right-of-way. The encroachment permit shall also contain a traffic management plan to lessen construction impacts on regular uses of any affected County right-of-way. All required encroachment improvements shall be completed to the</p>	<p>PLANNING DEPARTMENT</p>	

<p>satisfaction of the Department of Public Works prior to building permit final on the project.</p> <p>(Mariposa Planning Recommendation)</p>		
<p>39. 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 updated agreement on a form approved by Mariposa County Counsel shall be executed within twenty (20) working days of the date of project action on Amended Conditional Use Permit No. 2014-56 and Variance No. 2014-58. Non-compliance with this condition may result in revocation of project approval by the county.</p> <p>(Mariposa Planning Recommendation)</p>	<p>PLANNING DEPARTMENT</p>	
<p>40. Prior to issuance of any development permits for Amended Conditional Use Permit No. 2014-56 and Variance No. 2014-58, any outstanding fees associated with the County's processing of the project shall be paid. This shall include, but is not limited, to noticing fees and publication costs. The Notice of Exemption County Clerk filing fee (\$50.00 as of 1/1/14) shall be paid by the applicant within five (5) working days of the approval of the application, if the applicant elects to have the Notice of Exemption filed. Filing is not required.</p> <p>The County Clerk will not accept a personal check for these fees.</p>	<p>PLANNING DEPARTMENT</p>	

(Mariposa Planning Recommendation)		
41. A surveyed set of as built drawings for subsurface infrastructure shall be created to establish locations for potential easements in the future.	PLANNING DEPARTMENT	
(Mariposa Planning Recommendation)		
42. If necessary, an address shall be obtained from the Assessor's Office for the new WWTP facility, which takes access from Jackson / Big Sandy Road. Addressing shall occur prior to issuance of a building or grading permit.	PLANNING DEPARTMENT	
(Mariposa Planning Recommendation)		
43. The development of the site and the location of structures and uses shall be in substantial conformance to the site plan that was reviewed and approved by the Planning Commission and Board of Supervisors.	PLANNING DEPARTMENT	
(Mariposa Planning Recommendation)		
44. This Waste Water Treatment Plant (WWTP) project was approved on October 11, 2011. An 18-month time extension was approved on November 21, 2014. This approval shall expire April 11, 2016. If the conditions of approval are not completed and the project is not fully implemented (building permit issued) by April 11, 2016, a new CUP amendment application may be required.	PLANNING DEPARTMENT	
(Mariposa Planning Recommendation)		
45. The on-site parking areas for the WWTP shall be graveled with a minimum of two inches of gravel and shall be maintained in that condition for the life of the project.	PLANNING DEPARTMENT	
(Mariposa Planning Recommendation)		
46. All grading to implement the WWTP project and that is subject to a grading permit shall occur in accordance with all applicable standards contained in the Mariposa Code (Current grading ordinance requirements and standards). All disturbed soils after construction and improvements should be seeded with 20-25 pounds per acre and covered with weed free hay or rice straw to protect against rain drop impact sheet/rill erosion. Seeding shall be done during November-December. Building and/or Planning Department staff shall be responsible for inspection of this particular phase of project work.	PLANNING DEPARTMENT	
(Mariposa Planning Recommendation)		
47. Outdoor trash containers shall be required to meet the standards of Chapter 8.44, of Title 8, Health and Safety, Mariposa County Code, commonly known as the "Mariposa	PLANNING DEPARTMENT	

<p>County Bear Control Ordinance.”</p> <p>(Mariposa Planning Recommendation)</p>		
<p>48. The project proponent shall be required to prepare and obtain approval of a Timber Harvesting Plan in accordance with State Forest Practice Rules if timber is removed from the WWTP site and sold commercially. The Timer Harvesting Plan shall be complete prior to timber removal.</p> <p>(Mariposa Planning Recommendation)</p>	<p>PLANNING DEPARTMENT</p>	
<p>49. Non compliance with any of the conditions of approval for Amended Site Plan No. 2010-161 may be grounds for revocation of the WWTP project approval.</p> <p>(Mariposa Planning Recommendation)</p>	<p>PLANNING DEPARTMENT</p>	
<p>50. Prior to the commencement of any grading required to implement the WWTP_project, the project proponent shall contact the Regional Water Quality Control Board to determine if a General Permit for Discharges of Storm Water Associated with Construction Activity is required under State Water Quality Control Board Order No. 99-08-DWQ, National Pollutant Discharge Elimination System (NPDES). If required, the applicant shall obtain the permit prior to commencement of grading activities. The project proponent shall provide a copy of the approved permit or evidence that a permit is not required to the Mariposa County Planning Department prior to the initiation of grading activities. The project proponent shall provide written evidence that the permit requirements have been met to the satisfaction of the RWQCB at the conclusion of any grading.</p> <p>(Mariposa Planning Recommendation)</p>	<p>PLANNING DEPARTMENT</p>	
<p>51. The land use/rezoning amendment process shall be completed prior to any final of construction permits associated with the WWTP project.</p> <p>(Mariposa Planning Recommendation)</p>	<p>PLANNING DEPARTMENT</p>	
<p>52. All mitigation measures contained in the Mitigated Negative Declaration for the WWTP project shall be implemented through a mitigation monitoring plan adopted during the approval phase of project review.</p> <p>(Mariposa Planning Recommendation)</p>	<p>PLANNING DEPARTMENT</p>	
<p>53. The Discharger must submit a Report of Waste Discharge (RWD) and/or Technical Reports to the Central Valley Water Board 140 days prior to discharge to address changes to the existing WWTF and any potential degradation from the new WWTF.</p> <p>(California Regional Water Quality Control Board – Central</p>	<p>PLANNING DEPARTMENT</p>	

Valley Region, also known as the Central Valley Water Board)		
<p>54. The applicant shall submit evidence to the Environmental Health Division that confirms that the existing leach fields serving the main Tenaya Lodge are adequate to accommodate the additional daily flows from the cottages. The evidence shall be submitted prior to final inspection. If the information submitted to the Environmental Health Division by the applicant is not approved pursuant to this condition, the applicant shall be responsible for any and all testing, conditions and improvements established the Environmental Health Division prior to adding daily flows to the existing leachfields.</p> <p>(Health Department Recommendation)</p>	<p>PLANNING DEPARTMENT</p>	
<p>55. Excavation for the underground tanks for the WWTP project may uncover or remove a portion of the leachfield serving the cottages creating a potential public health threat posed by runoff of the sewage effluent and/or contact with sewage contaminated materials. An engineering report addressing these concerns including mitigation prior to beginning construction shall be submitted to the Mariposa County Health Department, Environmental Health Division. A permit to repair, replace or remove any portion of the sewage system must be obtained from the Mariposa County Health Department, Environmental Health Division if determined necessary by Health Department staff.</p> <p>(Health Department Recommendation)</p>	<p>PLANNING DEPARTMENT</p>	
<p>56. If the project involves any tree removal at the WWTP development site, evidence shall be submitted to the Mariposa County Health Department, Environmental Health Division, that removal of trees shall not result in raising ground water levels. All areas identified for tree removal shall be evaluated for effective subsurface disposal.</p> <p>(Health Department Recommendation)</p>	<p>PLANNING DEPARTMENT</p>	
<p>57. A plan shall be submitted to the Environmental Health Division to show how all aspects of the existing septic system that serves the Tenaya Cottages will be removed during construction of the proposed new wastewater treatment facility. The plan shall be submitted prior to issuance of a building permit for the project regarding possible site remediation plans of the existing septic system consisting of two 3,000 gallon septic tanks and multiple leach lines shall be submitted to Mariposa County for review, consideration and permitting.</p> <p>(Health Department and Mariposa Planning Recommendation)</p>	<p>PLANNING DEPARTMENT</p>	
<p>58. Prior to the issuance of a Certificate of Completion for the Tenaya Lodge and Cottages wastewater treatment facility pursuant to Amended Site/Amended Conditions No. 2010-161,</p>	<p>PLANNING DEPARTMENT</p>	

<p>the project proponent shall provide the Regional Water Quality Control Board (RWQCB) certification from a registered civil engineer that the lodge and cottage's wastewater treatment system has adequate capacity for all existing structures on-site and is not causing a localized groundwater mounding problem leading to an offsite (or onsite) surface discharge. The project proponent shall provide evidence of the RWQCB approval/acceptance of the certification to Mariposa Planning.</p> <p>(Health Department and Mariposa Planning Recommendation)</p>		
<p>59. The existing fiber optic cable located in the WWTP project site area shall be relocated by Sierra Telephone or Sierra Telephone's designated agent prior to issuance of a grading permit for the project. The realigned cables shall be located in an easement which circumvents the project site area, the final location of which shall be approved by Sierra Telephone. The type and format of the easement document shall be approved by Sierra Telephone, prior to recording. The existing easement within the project site area shall be abandon. All costs associated with the relocation and creation/abandonment of the easement shall be the responsibility of the applicant.</p> <p>(Sierra Telephone)</p>	<p>PLANNING DEPARTMENT</p>	
<p>60. The WWTP project shall be subject to the latest version of the California Code of Regulations Title 24 Parts 1-12. All disturbed soils after construction and improvements shall be seeded with 20-25 pounds per acre and covered with weed free hay or rice straw to protect against rain drop impact sheet/rill erosion. Seeding should be done during November-December to ensure moisture for germination or otherwise irrigated in the dry months.</p> <p>(Mariposa County Resource Conservation District)</p>	<p>PLANNING DEPARTMENT</p>	
<p>61. A Special Use Permit shall be obtained by the project proponent for any work on that portion of Jackson Road that is within the Sierra National Forest. All requirements of the U.S. Forest Service shall be met prior to completion of the project (final on the building permit). As determined by the U.S. Forest Service, all road requirement standards as set forth by the U.S. Forest Service shall be met for any road providing access to the new wastewater treatment facility, which may include designing the road to be improved to a two-lane capacity.</p> <p>(U.S. Forest Service, Sierra National Forest)</p>	<p>PLANNING DEPARTMENT</p>	
<p>Mitigation Measures for the Tenaya Lodge & Cottages Wastewater Treatment Facility</p>		
<p>62. Mitigation Measure BIO-1: Any medium or larger (≥ 20 inches in diameter) trees selected for removal for the WWTP shall be inspected by a qualified biologist for potential dens</p>	<p>PLANNING DEPARTMENT</p>	

<p>(cavities, entrance holes) suitable for Pacific fisher. Cavities suitable for fisher will be examined with portable camera probes to determine fisher presence. A disturbance-free buffer of 300 ft shall be flagged around each occupied den. If a potential den is not occupied, the tree may be removed under the direction of the qualified biologist.</p> <p>If avoidance of an occupied den is not possible, the Project Proponent shall coordinate with the U.S. Fish and Wildlife Service (the Service) and CDFG and take the following steps to passively remove the fisher outside of the kit-rearing season (1 June to 1 February):</p> <ul style="list-style-type: none"> • Occupied trees shall be monitored daily by a qualified biologist for a period of 7 days to determine whether the den has been temporarily vacated. • Once it has been determined that the den was vacated, the unoccupied den tree shall be removed the same day under the direction of the qualified biologist. If the den remains occupied, the qualified biologist shall monitor the den weekly until it has been determined that the fisher has vacated the den. Tree removal shall take place immediately following confirmation that the den has been vacated as noted above. 		
<p>63. Mitigation Measure BIO-2: Any construction activities for the WWTP such as tree removal, site grading, etc., occurring on the proposed Project site within the general avian nesting season, between March 1 and August 31, shall require a pre-construction survey conducted by a qualified biologist to determine if the construction activity violates the provisions of Fish and Game Code, sections 3503, 3503.5, and 3513. This pre-construction survey shall be conducted no more than 14 days prior to the initiation of any demolition/construction activities during the early part of the breeding season (March 1 through April 30) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1 through August 31).</p> <p>For California spotted owl and northern goshawks, a qualified biologist shall conduct the focused breeding season surveys within the construction zone and a surrounding 500-foot buffer. If nests are found during the survey, a 500-foot disturbance-free buffer shall be established around each nest in coordination with the California Department of Fish and Game (CDFG) and demarcated by fencing or flagging. Where a biological evaluation by a qualified biologist determines that a nest site would be shielded from planned activities by topographic or other features that would minimize disturbance, the buffer distance may be reduced.</p> <p>For all other bird species, the qualified biologist conducting the focused breeding season survey shall inspect all potential nest substrates in and immediately adjacent to the impact area for nests. If an active nest is found close enough to the</p>	<p>PLANNING DEPARTMENT</p>	

<p>construction area to be disturbed by these activities, the biologist, in consultation with CDFG, shall determine the extent of a construction-free buffer to be established around the nest. A copy of the results of any survey conducted shall be provided to the Mariposa County Planning Department together with the evidence that any required mitigation measures have been implemented prior to such construction activity occurring on-site.</p>		
<p>64. Mitigation Measure BIO-3: Any medium or larger (≥ 12-inch diameter) trees or snags selected for removal for the WWTP shall be inspected by a qualified biologist for presence of foliage-roosting bats (western red bat) and potential dens (cavities, entrance holes) suitable for other special-status bats (pallid bat and Townsend's big-eared bat). Cavities suitable as special-status bat roosts shall be examined for roosting bats using a portable camera probe or similar technology. Buildings with potential for supporting special-status bats (pallid bat and Townsend's big-eared bat) shall be inspected by a qualified biologist for evidence of roosting colonies. If present, roosts (including day and night roosts, hibernacula, and maternity colonies) and a 300-foot disturbance-free buffer surrounding each roost shall be flagged.</p> <p>If avoidance is not possible, the roosting bats shall be passively evicted under the direction of a qualified biologist (as determined by a Memorandum of Understanding with the CDFG). The qualified biologist shall facilitate the removal of roosting bats outside of the winter hibernation (1 November to 1 March) and maternity roosting (1 March to 31 July) periods through the following means:</p> <ul style="list-style-type: none"> • Opening the roosting area to allow airflow through the cavity or building (air flow disturbance). • Waiting a minimum of one night for roosting bats to respond to air flow disturbance, thereby allowing bats to leave during nighttime hours when predation risk is relatively low and chances of finding a new roost is greater than in the daytime. • Disturbing roosts at dusk just prior to roost removal the same evening to allow bats to escape during nighttime hours. 	<p>PLANNING DEPARTMENT</p>	
<p>65. Mitigation Measure CUL-1: During grading, construction, or any activity that involves ground disturbance necessary to implement the WWTP project conditions of approval, if any signs of prehistoric, historic, archaeological, or paleontological resources are evident, all work activity within 50 feet of the find shall stop and the Mariposa County Planning Department shall be notified immediately. No work shall be done within 50 feet of the find until the Mariposa County Planning Department, in consultation with a representative of the American Indian Council of Mariposa County has identified appropriate mitigation measures to protect the find and those measures have been implemented by the applicant. Protection measures for the site</p>	<p>PLANNING DEPARTMENT</p>	

<p>may include, but shall not be limited to, requiring the project applicant to hire a qualified archaeologist who shall conduct necessary inspections and research, and who may supervise all further ground disturbance activities and make any such recommendations as necessary to ensure compliance with applicable regulations. In addition to the Planning Department, the Mariposa County Coroner and the American Indian Council of Mariposa County shall be notified should human remains be discovered. Representatives of the American Indian Council of Mariposa County shall be requested to be on-site during disturbance and/or removal of human remains. Should any Native American artifact or human remains be discovered, a representative of the American Indian Council of Mariposa County shall be on-site to monitor the remainder of the excavation activities.</p>		
<p>66. Mitigation Measure UTILS-1: Moisture probes shall be installed in the leach fields and subsurface disposal irrigation system to continuously register the level of soil saturation for the WWTP operators. Automated valves and flow meters shall be installed on the pipes in the leach fields, with telemetry the transmit data to the WWTP control room and allow for ongoing monitoring and control of the system.</p>	<p>PLANNING DEPARTMENT</p>	
<p>67. The Timberloft brew-pub conversion project shall be developed in substantial compliance with the approved plans for the Amended CUP Application No. 2014-56 and Variance Application No. 2014-58. Prior to any modification and/or any deviation from the approved plans, said modification/deviation shall be reviewed and approved by the Planning Director in accordance with the conditions of approval. Minor modifications in the site layout, configuration, size, and materials of the project site may be approved by the Planning Director provided that changes involve no expansion of the size of area of the approved building, and provided a finding can be made that the modification does not create impacts which were not addressed in the original project approval. Should any proposed modification(s) result in potential impacts which were not reviewed and conditioned by the original action and approval of this Conditional Use Permit then an application for amended conditions of the Conditional Use Permit may be required by the Planning Director.</p> <p>(Mariposa Planning Dept. Recommendation)</p>	<p>PLANNING DEPARTMENT</p>	
<p>68. Prior to the commencement of any grading, parking improvements, construction or demolition, or sign changes associated with the pub microbrew project, a grading and or building permit shall be required.</p>	<p>PLANNING DEPARTMENT</p>	

(Mariposa Planning Dept. Recommendation)		
69. Parking spaces shall be striped and paved and meet all applicable commercial parking space design and ADA requirements. Verification of the required (5) new parking spaces required for the new pub microbrew project shall be required prior to building permit final.	PLANNING DEPARTMENT	
(Mariposa Planning Dept. Recommendation)		
70. Prior to certificate of occupancy and/or building permit final or both, all ABC license shall be current to reflect the project microbrew and alcohol sales related functions. A current ABC license reflecting as such or written verification from ABC shall be submitted to the Planning Department for verification.	PLANNING DEPARTMENT	
(Planning Dept. Recommendation)		
71. The brew area and food prep area shall meet all applicable Health requirements including but not limited to the separation of public from any and all preparation areas. Plans shall include necessary separations and shall be reviewed by the Health Department at the time of building permit submittal.	PLANNING DEPARTMENT	
(Health Department Recommendation)		
72. Project approval for the pub microbrew use is valid for a period of three years from, August 22, 2014. This approval shall expire on August 22, 2017. Failure to execute a building permit for the proposed improvements by the expiration date shall require a new Use Permit Amendment application and review.	PLANNING DEPARTMENT	
(Mariposa Planning Dept. Recommendation)		

Agency Contact List				
AGENCY	CONTACT	PHONE NUMBER EMAIL	SITE ADDRESS	MAILING ADDRESS
Mariposa Planning	Steve Engfer	209-742-1250 sengfer@mariposacounty.org	5100 Bullion Street Mariposa CA 95338	P.O. Box 2039 Mariposa CA 95338
Public Works	Cheryl Jay	209-966-5356 cjay@mariposacounty.org	4639 Ben Hur Road Mariposa CA 95338	Same as site
Health Department	Dave Conway	209-966-2220 dconway@mariposacounty.org	5100 Bullion Street Mariposa CA 95338	P.O. Box 5 Mariposa CA 95338
County Assessor	Sarah Brewster	966-2332 sbrewster@mariposacounty.org	4982 10th Street Mariposa CA 95338	P.O. Box 35 Mariposa CA 95338
County Fire	Jim Middleton	209-966-4330 jmiddleton@mariposacounty.org	5082 Bullion Street Mariposa CA 95338	P.O. Box 162 Mariposa CA 95338
Cal. Dept of Forestry and Fire Protection	Darrin McCulley	209-966-3622 Darrin.mccully@fire.ca.gov	5366 Highway 49 North Mariposa CA 95338	Same as site

Certificate of Completion:

By signing below, the environmental coordinator confirms that the required conditions of approval have been implemented as evidenced by the "Schedule of Tasks and Sign-Off Checklist", and that all direct and indirect costs have been paid. This act constitutes the issuance of a *Certificate of Completion*.

Environmental Coordinator

Date

Explanation of Headings:

Monitoring Dept: Department or Agency responsible for monitoring a particular mitigation measure.

Verified Implemented: When a mitigation measure has been implemented, this column will be initialed and dated.