



MARIPOSA PLANNING STAFF REPORT

From: Sarah Williams, Planning Director

Prepared By: Steve Engfer, Associate Planner

Fish Camp Planning Advisory Council Meeting Date: May 13, 2017

PROJECT: Tenaya Cabins Project- General Plan/Specific Plan Zoning Amendment (GP/SPZA 2014-163), Land Division (LDA 2014-165), Conditional Use Permit (CUP 2014-164) and Final Environmental Impact Report (Final EIR)

TENAYA CABINS PROJECT DESCRIPTION:

GP/SPZA 2014-163: A proposed General Plan / Specific Plan / Zoning amendment proposing a Resort Commercial land use/zone for Parcel 1 and a Single Family Residential ½-acre land use/zone for Parcel 2.

LDA 2014-165: A proposed two parcel land division - Parcel 1 to be 24.82 acres in size and Parcel 2 to be ½ acre in size.

CUP 2014-164: A proposed Conditional Use Permit for a 54 pre-fabricated cabins, a 2,700+/- square foot clubhouse, an exterior patio area and access improvements on Parcel 1.

LOCATION: The project parcel is located immediately north of Tenaya Lodge in Fish Camp CA.

ASSESSOR PARCEL NUMBER: APN 010-350-010 (Formerly 010-250-008)

PROJECT PROPONENT: Delaware North (DN)

STATE CLEARINGHOUSE NUMBER: 2015021032

CURRENT GENERAL PLAN/SPECIFIC PLAN LAND USE: Planning Area, Fish Camp Town Plan Specific Plan, Single Family Residential 1-acre

FISH CAMP PLANNING ADVISORY COUNCIL ACTION:

Project, Final EIR consideration and recommendation to the Planning Commission.

STAFF SUMMARY ANALYSIS & RECOMMENDATION:

Staff has reviewed the project and has found that the proposed project with its parcel sizes, provisions for water and waste water treatment, access, parking, landscaping, aesthetics and EIR review complies with all the relevant standards contained in the Mariposa County General Plan, Fish Camp Town Planning Area Specific Plan, Zoning and Subdivision codes and Road Improvement and Circulation Policy (RICP), with application of conditions of approval and mitigation measures. The project is feasible and with implementation of the proposed conditions and mitigation measures will not negatively impact the environment. Staff recommends the Fish Camp Planning Advisory Council recommend certification of the EIR and project approval.

PROCESS: The summary procedural steps for this project follow:

1. EIR Scoping (Public Input – Completed July/August 2015)
2. Draft EIR Public Review (August 26–October 11, 2016)
 - Planning Commission Public Hearing to receive comments on the DEIR 9/23/16
 - Fish Camp PAC Public Meeting to receive comments on the Draft EIR 9/24/16
3. Final EIR (Draft EIR + Comments Received + Response to Comments)
4. Staff Report – project review and recommendations for action on LDA, GP/SPZA and CUP applications
5. Public Review / Meetings and Hearings / Action: Final EIR & Staff Report
 - **Fish Camp PAC Public Meeting May 13, 2017 (Current Step)** – Public Input / Recommendation to the Planning Commission
 - Planning Commission Public Hearing (June 2, 2017 Tentative)– Public Input / Recommendation to the Board of Supervisors
 - Board of Supervisors Public Hearing (June 27, 2017 Tentative) – Public Input / EIR Certification and Action on Project Applications

*Any amended conditions or mitigation or added conditions and/or mitigation that may result from remaining processing steps such as Planning Commission or Board of Supervisors steps would be included in the final conditions of approval on the project.

PROJECT ACTIONS AND CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The proposed project requires actions pursuant to both Mariposa County land use, Zoning and Subdivision requirements and the California Environmental Quality Act (CEQA).

Land Use

The project site is governed by the Mariposa County General Plan (MCGP) and the Fish Camp Town Plan Specific Plan (FCSP). The proposed project requires three land use Zoning and subdivision entitlement actions pursuant to the MCGP and the FCSP:

- A General Plan/Specific Plan Land Use Amendment is required to change the property from the Single Family Residential 1 Acre minimum land use to the Resort Commercial land use (LDA-Parcel 1) and the Single Family ½-Acre minimum land use (LDA-Parcel 2).
- A Land Division (LDA) is required for the proposed two parcels.
- A Conditional Use Permit (CUP) is required for the proposed 54 cabins, clubhouse, and related Resort Commercial improvements on one of the proposed parcels.

CEQA

The project is subject to review pursuant to CEQA and a Draft EIR and Final EIR were prepared pursuant to CEQA (Public Resources Code [PRC] Section 21000, et seq.) and the State CEQA Guidelines (California Code of Regulation, Title 14, Chapter 3, Section 1500, et seq.). The EIR evaluates the physical environmental effects of the proposed Tenaya Cabins Project.

The purpose of CEQA is to disclose to decision makers and the public the potential significant environmental effects of proposed activities, and to inject environmental considerations into how public agencies consider and take action upon applications, permits and other approvals.

Concurrent Processing & Final Project Actions

The current procedural step is to consider Project and Final EIR and make a recommendation to the Planning Commission.

The Final EIR is comprised of the Draft EIR, all comments submitted during the public review period, and a response to all comments.

Review of the Final EIR occurs together with the Project Staff Report (review and consideration of the merits of the project, findings and conditions for action).

The following table provides the action type for each action required.

Project Component	Resolution	Ordinance
Final EIR Certification with Findings	X	
Mitigation Monitoring Program	X	
Specific Plan Zoning Amendment with Findings	X	X
Conditional Use Permit with Findings	X	
Land Division with Findings	X	

Project Details

Delaware North, the owner and operator of the Tenaya Lodge, has proposed this project.

Location

The project site is located immediately north of the Tenaya Lodge and is primarily undeveloped forested land that includes a one-acre pond (Rainbow Lake) at the northern end, Big Creek on the eastern side, and meadow and wetlands on the southern portion of the project parcel. (Attachment A- Vicinity Map)

Cabins

The Tenaya Cabins Project would include up to 54 pre-fabricated cabins set on concrete pier footings or concrete slab-on-grade foundations. Each cabin would have an area of approximately 675 square feet of room space (plus approximately 75 square feet of deck) and would be served by sanitary sewer, potable water, electricity, telephone, data, and satellite television services. The proposed site plan is designed to accommodate the existing topography of the site; minimize the impacts to existing natural features such as rock

formations, trees, the Big Creek riparian corridor, Rainbow Lake, and wetlands; and maximize the buffer between the cabins and Highway 41.

Clubhouse

The proposed multi-use clubhouse would be located adjacent to Big Creek on the eastern boundary of the site and would include a large outdoor deck, fire pit, barbeque, hot tub and swimming pool. The clubhouse would be used for guest registration, administrative offices, events, laundry facilities, a small grocery, a residential-style kitchen, and recreational activities. The clubhouse would be designed to accommodate seating for 60 people on the deck and provide indoor facilities capable of holding smaller parties. Amplified sound for events at the clubhouse would conclude at 10:00 p.m.; however, events could continue past that time.

Residential Parcel

The proposed project includes a land division to create a ½-acre parcel for residential use. This parcel would require an amendment from Single Family Residential 1-acre Residential to Single Family Residential ½ -acre land use classification per FCSP and Mariposa County requirements. Although no development is currently proposed for this parcel, it is assumed that a residence would be built on the site in the future. Therefore, the Tenaya Cabins Project would provide vehicular access and utilities (water, wastewater, electricity) to the residential parcel. Per County Subdivision requirements, all main access road grading and improvements to the ½ acre parcel would occur within variable width easements including 40 and 60 foot wide easements, or greater as needed.

The following table provides the project components.

Project Component	Description	Square Footage
54 Cabin Units	Single story 1 and 2 bedroom units	675 and patio area of 75 sf+/- (7 ADA units slightly larger)
Clubhouse and Information Center, indoor and outdoor gathering/event space	1-story, patio area, outdoor seating	4000 sq. ft.+/-
Residential	½ acre parcel	Potential future residence
Parking, roadways, pathways, boardwalk, utility line extensions supporting infrastructure	88 paved parking spaces, paved roads, gravel pedestrian pathways, wooden boardwalk	

(Attachment B-Project Plans & Tentative Map)

Project Evaluation

General Plan/Specific Amendment

The project site is governed by the FCSP and the plan defines the land use classifications and relative development standards for the FCSP land area. The existing land use classification of the project site is Single Family Residential 1-acre. The project proposes a resort commercial development lot of 24.82 acres and one single family residential lot of ½ acre in size.

The required land use classifications for the proposed project are Resort Commercial for the Tenaya Cabins (hotel/motel) uses and Single Family Residential ½-acre minimum for the proposed residential lot.

The FCSP section VIII. Specific Plan Implementation Section B, Plan Amendment Standards, 2. Specific Findings, require that findings be made for any amendment to the plan. The required findings are included in this staff report for the specific plan land use amendment as proposed. The amendment would only apply to the subject parcels and does not change the land use of any other parcels.

Subdivision

The project proposes a subdivision to create two parcels: Parcel 1 is a 24.82 acre parcel proposed for the commercial resort development and Parcel 2 is proposed as a ½ acre single family residential lot (retained by the previous landowner) for future single family residential uses. The EIR for the project considered project impacts including the subdivision impacts. The conditions of approval and mitigation measures insure that the subdivision meets all applicable requirements. If approved, the project would have (3) three years plus possible extensions to meet all pre-map recordation conditions and mitigation measures and record the parcel map.

(Attachment B-Project Plans & Tentative Map)

Conditional Use Permit (CUP)

The Fish Camp Specific Plan Resort Commercial land use classification lists hotels and motel uses as conditional uses and, therefore, a conditional use permit (CUP) is required for the proposed 54 unit Tenaya Cabins use, as it is a resort commercial hotel use.

The EIR evaluated in detail the overall project impacts that included resort commercial hotel development, and residential uses. Both conditions of approval and mitigation measures insure that the project meets the required county CUP findings.

The CUP time limit is (3) three years in order to meet all conditions and mitigation measures necessary prior to the issuance of a grading or building permit with an ability to request one 18-month CUP time extension. Upon issuance of a grading or building permit for the project, the CUP timeline will have been met.

Environmental Review

The County prepared a Draft EIR pursuant to CEQA for the Tenaya Cabins Project and used several methods to solicit input. A notice of preparation (NOP) for an EIR was issued by Mariposa County in February 2015 for the original project proposal, which included the same land division into two parcels and the same type of development as the current proposal, but included 34 cabins rather than 54. The NOP was sent to the California State Clearinghouse, federal, state, and local agencies, and members of the public.

Following applicant changes to the proposed project, a revised NOP was released on July 17, 2015 notifying the public that Mariposa County would be preparing an EIR for the revised project that proposes 54 prefabricated cabins and a clubhouse on Parcel 1, and a potential future residence on Parcel 2.

The Draft EIR evaluated the Tenaya Cabins Project potential to result in significant environmental impacts and determined that impacts would be less than significant, or would be mitigable to less than significant. The Draft EIR was released on August 26, 2016 for public review and comment for a 45-day period. The Draft EIR and project application were available for public review online and at local libraries.

A Final EIR was prepared by Mariposa County (Ascent Environmental Inc.), as lead agency, in accordance with the requirements of the California Environmental Quality Act (CEQA) and the State CEQA Guidelines (CCR Section 15132). The Final EIR contains responses to comments received on the Draft Environmental Impact Report (Draft EIR) for the Tenaya Cabins Project. The Final EIR consists of the Draft EIR, comments on the Draft EIR, and responses to those comments, revisions to the Draft EIR, and mitigation monitoring and reporting program (MMRP).

The MMRP is Chapter/Section 4 of the Final EIR and ensures that the project will comply with all required mitigation measures put in place to reduce potentially significant impacts to less than significant levels as allowed/required by CEQA.

The Final EIR Chapter/Section 4 includes the MMRP and there is a summary table of impacts, measures to address those impacts and the proposed Monitoring Program. All mitigation measures are incorporated and applied to the project.

In February 2017, prior to the certification of the EIR, consideration of new project information was required to address the Tenaya Lodge Waste Water Treatment Facility Report of Waste Discharge, Amendment 2 (AROWD) and comments from the California Regional Water Quality Control Board (CRWQCB). Detailed description is included in the insert to the FEIR, Revised Appendix J, and Mitigation Monitoring and Reporting Program.

The EIR evaluation describes the potential environmental impacts of the project and recommends various mitigation measures to reduce impacts. Impacts are determined to be: 1) no impact; 2) less than significant (adverse or potentially adverse effects that are not substantial); 3) significant or potentially significant (substantial or potentially substantial adverse changes in the environment, for which mitigation measures are required); or 4) significant and unavoidable (substantial or potentially substantial adverse changes in the environment that cannot be feasibly reduced to less-than-significant levels with mitigation measures).

The EIR also presented the cumulative impact discussions to determine whether the incremental effects of the Tenaya Cabins Project are significant when viewed in combination with the effects of past projects, other current projects, and probable future projects. For the following environmental issue areas, all project and cumulative effects were found to either result in no impact or less-than-significant impacts (no mitigation required) and were therefore not evaluated further in the EIR:

- Agricultural Resources
- Population and Housing
- Schools
- Parks and Recreation

The EIR evaluation found the following environmental impacts to be less than significant, and no mitigation would be required:

- Land Use and Forest Resources
- Transportation and Circulation
- Air Quality
- Utilities and Public Services
- Visual Resources

The EIR evaluation found the following project environmental impacts to be potentially significant or significant. However, these impacts would be reduced to less-than-significant levels with implementation of mitigation.

- Biological Resources
- Cultural Resources
- Greenhouse Gas Emissions and Climate Change
- Noise
- Geology, Soils, and Seismicity
- Hydrology and Water Quality
- Utilities and Public Services
- Hazards and Hazardous Materials

The Draft EIR and Final EIR evaluations resulted in mitigation being required of the project. A Summary of the Impacts and Mitigation Measures was included in the Draft EIR Table 2-1. The following areas of potential controversy were raised in scoping comments and in response to the Notice of Preparation of an EIR on the Tenaya Cabins Project:

- the effects of the proposed use of groundwater on existing water supplies in the community of Fish Camp, and adequacy of the proposed groundwater water supply to serve the project;
- the effects on cultural resources and the need for consultation with Native American Tribes;
- traffic associated with the proposed project, line of sight and safety on Highway 41, and cumulative traffic congestion conditions;
- the effects on biological resources, including special status species and the potential for noxious weeds;

- the potential for exposure to wildfire hazards, high fire hazard zone;
- the adequacy of utilities and public services to serve the proposed project; and
- the effects on air quality, noise, stormwater runoff, and visual resources.

All of the areas of potential controversy were evaluated and addressed in the Draft EIR and Final EIR. The Final EIR also addressed comments on the Draft EIR and included the final mitigation monitoring and reporting program. No significant and unavoidable impacts were identified.

(Attachment C- Draft EIR and Attachment D- Final EIR (with insert), Revised Appendix J)

Practical Concerns

The following is a discussion of key project issues.

Access and Circulation

Onsite roads would generally follow existing dirt roads and are routed around existing trees, vegetation, and rock formations wherever possible to maximize visual screening. The project roads are required to be paved and designed in compliance with Mariposa County standards for slope, width, drainage/run-off, turning radius and fire and emergency access and other minimums required by the subdivision.

There are five segments (or components) to the project access and roads as described in the following sections.

(Attachment E- Access and Roads Exhibit)

Access Segment 1- Highway 41 Entrance

Access segment 1 is the Highway 41 encroachment onto the project site. Vehicular access to the Tenaya Cabins is proposed from Highway 41 at the same location as an existing dirt-road entrance to the site. The entrance would be configured to meet Caltrans requirements for acceleration and deceleration distances and turning lanes. Plans included in the EIR were designed to respond to CALTRANS comments and input during the EIR preparation and review process. A CALTRANS encroachment permit is required by the project conditions of approval prior to issuance of a grading or building permit for the project.

(Attachment-B Project Plans, Sheet 8 -Highway 41 Widening and Attachment E- Access and Roads Exhibit)

Access Segment 2 - Subdivision Road

Access segment 2 is from Highway 41 to proposed Parcel 2 (½ acre single family residential parcel), cabins loop road intersection near clubhouse and the Marshall easement road continuation

The circulation plan main access and subdivision road is proposed and shown to meet the County Town Class IV Road. Because the project site is located in the Fish Camp Town

Planning area, Town Class roadways are required. Based on the traffic study in the Draft EIR the project trip generation total is estimated at 451 trip ends and a Town Class IV Road is sufficient to serve the project demand and meet subdivision access road requirements for Segment 2. The Town Class IV road is a paved road that includes two travel lanes of 12 feet wide each and turnouts/tapers for any fire hydrants as required by fire agencies. The Town Class IV road has optional on-street parking and sidewalks, which are not required of this project. (Walkways and parking areas are a part of the project in other areas of the layout that provide pedestrian and parking connectivity and accessibility).

The subdivision requirements require a public utility and access easement offered for dedication to the county along the subdivision Access Segment 2 up to and including a turnaround or hammerhead T location. County standards typically require a 60 wide public utility and access easement offered for dedication for subdivision roads, although there is an allowance for a reduction as approved by the Planning Commission. Subdivision ordinance requirements must be met pursuant to County Code §16.12.070 Road Standards- Easement to Conform to County Standards. The applicant has requested an easement width reduction and proposes a variable width public utility and access easement offered for dedication sufficient to accommodate the required improvements in totality for the Access Segment 2, including any intersection sufficient to function as a turnaround and/or hammerhead T that meets County Fire, and CALFIRE requirements.

Prior to the recordation of the parcel map, the verification of the Access Segment 2 easement sufficiency shall be demonstrated and shall meet Public Works Department approval and be shown on the map to the satisfaction of the County Surveyor.

Access Segment 3 - Marshall Easement Road

Access segment 3 is from the Subdivision Road to APN 010-390-002 (Marshall lot) shared parcel boundary.

A security gate will be installed at the end Access Segment 2, at or near, the shared intersection of the clubhouse access road and proposed Parcel 2. The gate is intended to provide a security measure to deter guests of the Tenaya Cabins from using Access Segment 3 and maintain the traffic circulation on site. The gate shall meet requirements for location, site security and fire/emergency services access and be approved by the County prior to grading or building permit issuance. The gate location, type and informational gate/roadway usage signage shall be included in plans and require approval prior to issuance of grading and or building permit for the project. Required improvements would be built so as to not create a condition that precludes the use of the Access Segment 3 by the Marshall Lot property owners.

The parcel map for the subdivision shall show the proposed easement for Access Segment 3 on the parcel map and meet or exceed the existing easement that serves the Marshall property. County Engineer and County Surveyor verification shall be required prior to recordation of the parcel map.

Access Segment 4 - Cabins Loop Roads

Access Segment 4 are all internal circulation roadways for the cabins and clubhouse.

All other internal circulation roadways (Access Segment 4) are designed to meet County Fire and CALFIRE standards for minimum width, slope, loading and capacity. Access Segment 4 is designed at a minimum of 20 feet wide, with short sections at 14 foot wide with turnouts in order to allow for emergency through traffic. While the internal cabin access roads are shown as one-way, the width is designed to accommodate emergency vehicles. No additional roadway easements are required for these internal private roadways.

Access Segment 5 - Secondary Emergency Access

Access segment 5 is form the northerly section of the cabins Loop road to Highway 41.

A 20 foot wide paved road for secondary emergency access from the project site was required by County Fire and CALFIRE. The project circulation plan includes the secondary emergency access road as shown from Highway 41 to the northwesterly segment of Access Segment 4. CALTRANS and fire agencies have reviewed and approved the circulation plan and location of the secondary emergency access road. The encroachment onto Highway 41 for Access Segment 5 is also subject to CALTRANS encroachment permit requirements.

A County encroachment permit is required prior to any site roadway work, grading and/or building permit issuance whichever comes first.

Pedestrian Access

The project proposes an internal pedestrian pathway and boardwalk layout designed to connect the cabins, clubhouse, parking areas and Tenaya Lodge. All pathways/walkways and boardwalk improvement plans must meet building code requirements prior to grading and/or building permit issuance for the project.

(Attachment B- Project Plans, Sheet 3 Site Plan)

Road Maintenance

DN has committed to maintaining the onsite roadway system including the subdivision access road. Standard road maintenance requirements are included in the conditions of approval for the project including snow removal and storage plan.

(Attachment B- Project Plans & Tentative Map)

Parking

The proposed site plan provides 1.5 parking spaces for each cabin plus seven additional spaces to account for retail, office and employee parking in accordance with the Fish Camp Town Planning Area Specific Plan, which results in 88 parking spaces. Seven cabins would be designed to conform to the requirements of the Americans with Disabilities Act (ADA) Standards for Accessible Design. Therefore, these seven cabins would have an ADA-

compliant parking space. There would also be an ADA-compliant parking space at the clubhouse for registration. Parking would be clustered to maintain visual separation between parked vehicles and the cabins.

Conditions of approval require a parking plan be submitted and approved by the County prior to grading or building permit issuance.

(Attachment B- Project Plans & Tentative Map)

Water Supply

Water for domestic and firefighting purposes would be provided by the existing Tenaya Lodge public drinking water system to serve the additional demand generated from the Tenaya Cabins project. This would include the fire water storage that is estimated to be between 120,000 and 150,000 gallons, per Mariposa County requirements. The Draft EIR Chapter 4.12 Utilities and Public Services evaluates project water supply and demand in detail including demand of both the Cabins and residential lot. It was determined that sufficient water would be available to serve the project based on the EIR evaluations and review by the State Water Resources Control Board Division of Drinking Water (SWRCB-DDW), which is the permitting agency over the Tenaya Lodge public drinking water system.

The following is an excerpt from the Draft EIR:

“Impact Analysis and Mitigation Measures

Impact 4.12-1: Increase demand for water supply

Project water demands for all components of the Tenaya Cabins Project except landscape irrigation are estimated to be 9.6 afy (acre feet per year), with average daily demands of 8,595 gallons and a peak day demand of 17,190 gallons. The existing Tenaya Lodge water system is proposed to be used to meet the project’s demand. When the proposed-project water demand is added to the demands of the existing Tenaya Lodge, the total demand on the Tenaya Lodge water supply system would be 61.4 afy. The combined Lodge-plus-project average demand is estimated to be 54,783 gallons per day, with a combined peak day demand of 109,566 gallons per day. Based on a three day continuous well pumping test, the project-plus-existing-Lodge demand can be met by pumping 7.6 hours per day and the combined peak day demand would require pumping just over 15 hours per day. The existing Tenaya Lodge water supply is sufficient to serve the proposed project. The proposed project’s water demand would not require new water supply or entitlements. Therefore, this impact would be less than significant.”

Conditions of approval and mitigation measures insure that adequate water for firefighting and domestic purposes will be available and meet required drinking water standards to serve the project and that any potentially significant impacts to existing nearby groundwater users identified in the groundwater study are mitigated. All public drinking water permits shall be amended, obtained and approved prior to the occupancy of the project. SWRCB-DDW and the County Health Department shall verify this condition has been met prior to final and/or occupancy of the project.

Utilities and Wastewater Treatment

The project Draft EIR Table 3-1 Utility and Public Services Providers, as revised by the Final EIR, provides the list of Utility and Public Service providers that would serve the project:

Table 3-1 Utility and Public Service Providers	
Public Service/Utility	Agency/Entity
Water Supply (wells)	Private - Delaware North
Sewer and Wastewater Treatment	Private - Delaware North
Recycled Water (for irrigation)	Private - Delaware North
Stormwater Drainage	Private - Delaware North
Fire and Life Safety	Mariposa County Fire Department, CALFIRE, USFS
Law Enforcement	Mariposa County Sheriff's Department
Public Schools	Wawona Elementary School (charter school), and Yosemite Union High School District (located in Madera County)
Electricity	Pacific Gas and Electric (PG&E)
Telephone	Sierra Telephone
Satellite television service	Sonifi Inc.
Propane	Ferrellgas
Solid Waste Hauling	Mariposa County Total Waste Systems, Inc.
Source: Compiled by Ascent Environmental, Inc. 2015	

Utilities would be installed underground within the limits of the paved access roads where feasible, and would comply with separation standards set by the State of California and the Mariposa County Health Department. Wastewater would be collected with a below-grade piping system and gravity fed to a lift station located near the low point of the property. From the lift station, wastewater would be pumped to the new Tenaya Lodge Wastewater Treatment Plant (WWTP) (operational as of January 2016) located south of the project site on the southwestern side of the Tenaya Lodge property, south of the cottages. In addition, an existing Tenaya Lodge leach field, located between the lodge and the project site, would be expanded to accommodate the project-related increase in tertiary-treated effluent discharge from the WWTP. An additional 637 linear feet of leach lines would be constructed to provide disposal capacity for the proposed Tenaya Cabins at full occupancy and the proposed subdivision Parcel 2 (½ acre residential lot).

Since the project subdivision proposed Parcel 2 (1/2 acre residential lot) would be served by the WWTP, and based on the size of Parcel 2, conditions of approval establish the requirements necessary to insure that Parcel 2 will continue to be served by the WWTP.

DN shall comply with all Central Valley RWQCB waste discharge requirements (WDRs) applied to the Tenaya Lodge WWTP under the State Water Resources Control Board's General Waste Discharge Requirements for Discharges to Land by Small Domestic Wastewater Treatment Systems Order WQ-2014-0153-DWQ (General Order).

The following is the mitigation excerpt from the insert to the Final EIR regarding wastewater disposal capacity:

“Mitigation Measure 4.12-2: Increase treated wastewater disposal capacity

Prior to the building permit final for the Tenaya Cabins, DN shall install a total of 908 linear feet of additional leach line at the Tenaya Lodge central leach field, including the 637 linear feet identified in the project and 271 linear feet identified in the Report of Waste Discharge – Amendment No. 2 for Tenaya Lodge Wastewater Treatment Facility (February 2017).

DN shall comply with all Central Valley RWQCB waste discharge requirements (WDRs) applied to the Tenaya Lodge WWTP under the State Water Resources Control Board’s General Waste Discharge Requirements for Discharges to Land by Small Domestic Wastewater Treatment Systems Order WQ-2014-0153-DWQ (General Order).

Significance after Mitigation

*Implementation of Mitigation Measure 4.12-2 would increase the wastewater disposal capacity in the Tenaya Lodge WWTP system to provide sufficient treated effluent disposal capacity for the Lodge, Cottages, and proposed Tenaya Cabins during all months of the year. Therefore, this impact would be reduced to a **less-than-significant** level.”*

Prior to the building permit final for the Tenaya Cabins, DN shall install a total of 908 linear feet of additional leach line at the Tenaya Lodge central leach field, including the 637 linear feet identified in the project and 271 linear feet identified in the Report of Waste Discharge – Amendment No. 2 for Tenaya Lodge Wastewater Treatment Facility (February 2017).

Electricity would be extended from existing PG&E facilities. Telephone, data and satellite television service would be extended from Tenaya Lodge, so the services are integrated with the main lodge.

In order that all existing on site utilities and existing utility easements are protected, including but not limited to, the Fish Camp Mutual Water Company or Sierra Telephone easements and infrastructure, conditions of approval require the developer to provide to the Planning Department a verification letter prior to grading or building permit issuance from each affected utility or utility easement holder if there is a relocation required due to the project.

(Attachment B-Project Plans Sheet 6 Utility Plan)

Hydrology and Water Quality

The project EIR describes the physical characteristics of the Tenaya Cabins Project area with regard to surface hydrology, drainage, flooding, groundwater, and water quality. An overview of the applicable laws and regulations related to these resources is presented, as well as an analysis of the environmental effects associated with the implementation of the project.

The implementation of the Tenaya Cabins Project would result in conversion of undeveloped land to developed resort commercial and residential uses, where urban contaminants including oil and grease, trace metals, organics, and trash would be generated. Conversion of undeveloped land to developed resort commercial and residential use for the Tenaya Cabins Project would alter the types, quantities, and timing of contaminant discharges in

storm water runoff. This could contribute to the long-term degradation of local surface and groundwater if the project is not properly designed and implemented.

A preliminary delineation of the 100-year floodplain for Big Creek was completed for the Tenaya Cabins Project as illustrated on Exhibit 4.11-6. of the Draft EIR. Although this floodplain is not regulated by FEMA, the Mariposa County General Plan (Flood Protection Goals 16-4 and 16-5) requires protection of the 100-year floodplain of all rivers and streams. The flood plain along Big Creek would be avoided (unaltered) by the proposed project. As indicated on the proposed site plans (Exhibits 3-3 and 3-4 in Chapter 3 of the Draft EIR), all project facilities and related ground disturbance would remain outside the delineated 100-year floodplain. The proposed project would be required to retain stormwater so as to maintain runoff from the project site at pre-project conditions. Therefore, the project would have no impact related to placing housing or structures within a 100-year flood hazard area or related to increasing flow or floodwater in Big Creek.

The Draft EIR section 4.11 Hydrology and Water Quality, evaluation resulted in the application of the following mitigation measures as outlined in the MMRP included in the Final EIR, to insure the project impacts to Hydrology and Water quality meet Federal, State and local requirements:

Mitigation Measure 4.11-1: Prepare and implement a stormwater pollution prevention plan.

Mitigation Measure 4.11-2: Install permanent stormwater controls and water quality BMPs.

Mitigation Measure 4.11-3: Prepare and implement a final drainage report that reduces runoff to pre-project

Mitigation Measure 4.11-4: Prepare and implement well monitoring program. (FCMWC Well no. 1)

The conditions of approval incorporate all EIR mitigation measures and a mitigation monitoring program and insure that the Federal, State, and local requirements are met including the Fish Camp Town Planning Area Specific Plan policies applicable as follows:

- **Section VII C. Topography and Soil Erosion**

- ***Policy VII.C-3.*** All subdivision roads should be fully engineered including erosion and drainage control measures. Such measures may include surface drainage protection, sediment basins, and physical grade stabilization structures, in addition to the standard seeding and mulching practices.
- ***Policy VII.C-4.*** All soils affected by grading and vegetation removal should be revegetated using the specific recommendations provided by the Soil Conservation Service.
- ***Policy VII.C-5.*** All proposed subdivisions should provide for future maintenance of erosion control measures and drainage facilities.

- **Section VII D. Development and the Effects on Surface Water Resources**
 - *Policy VII.D-3. Erosion control measures as explained in Section VII C. should be required for all development proposals.*
 - *Policy VII.D-4. Residential and resort commercial development should not be permitted in the Big Creek Flood Channel. The channel area is most appropriate for open space uses and public recreation and park development.*

Aesthetics/Visual

The existing visual characteristics, quality of the project site and the surrounding area, and the visual effects of the proposed Tenaya Cabins on its surroundings were evaluated in the EIR. The analysis considered the quality and character of existing scenic resources and the potential visibility of the project elements from surrounding areas, including both the physical characteristics and changes in lighting or glare in the project area. Potential short-term and long-term visual impacts that could result from project construction and operation were discussed. No significant impacts were identified.

Although proposed site lighting is limited in nature, and was not identified as a significant impact in the project EIR, the County requires that all lighting must meet International Dark Sky standards to minimize any night time light pollution that may result. Verification of this shall be met prior to issuance of a building or grading permit.

Appendix A of the Draft EIR includes the project plans and architectural elevations, color types and materials of the proposed cabins and the clubhouse structures. The proposed architectural features include color themes of earth tones, standing seam metal roof material, exposed beams along porches and eave overhang features that are associated with mountain cabin design. Conditions of approval require that the project be built in substantial conformance with the proposed plans (as approved) and this includes the architectural elevations included in the EIR Appendix A project plan set. Colors and materials must be found to substantially conform to the plans. Planning Department verification will occur prior to grading and/or building permit issuance.

In addition to the required mitigation and conditions, Mariposa County Scenic Highway Overlay standards address vegetation, natural features and minimize grading. Although Highway 41 is not a designated Scenic Highway, staff recommended conditions of approval that require construction level site plans be developed in accordance with the Scenic Highway Overlay standards.

Biological Resources

The project design and layout considered sensitive resources and the project EIR incorporates mitigation measures to address any potentially significant impacts to biological resources including requirements for conducting pre-construction and during construction surveys. Project impacts to biological resources were assessed in detail as a part of the EIR for the project including the preliminary wetland determination. Project impacts to special status species, waters of the United States, including wetlands, are mitigated to insure that any project impacts are less than significant. The following is the list of mitigation measures

applied to the project as a result of the EIR evaluation and biological assessments conducted:

Mitigation Measure 4.4-3: Avoid and minimize impacts to special-status bird species.

Mitigation Measure 4.4-4: Avoid and minimize impacts to fisher.

Mitigation Measure 4.4-5: Avoid and minimize impacts to special-status bats.

Mitigation Measure 4.4-6: Avoid and mitigate for impacts to Yosemite toad.

Mitigation Measure 4.4-7: Avoid and mitigate for impacts to sensitive habitats, wetlands, and waters.

Each mitigation measure establishes the protocols and requirements in detail and includes regulatory oversight, permitting and/or verifications from appropriate agencies such as Mariposa County, US Army Corp of Engineers, California Regional Water Quality Control Board and the California Department of Fish and Wildlife.

(Attachment C-Draft EIR and Attachment D- Final EIR)

Cultural Resources

The EIR evaluated cultural resources in Chapter 4.5 of the DRAFT EIR. DRAFT EIR Section 4.5 analyzes and evaluates the potential impacts of the project on known and unknown cultural resources (also known as heritage resources) and on unknown fossil deposits of paleontological importance. Cultural resources include districts, sites, buildings, structures, or objects generally older than 50 years and considered to be important to a culture, subculture, or community for scientific, traditional, religious, or other reasons.

The impact analysis for archaeological and historical resources is based on the findings and recommendations of the confidential report titled *Fish Camp Campground Development Project Phase I Cultural Resource Assessment Fish Camp, Mariposa County, California* (First Carbon Solutions 2016). This confidential report is on file at Mariposa County.

Tribal groups were also provided the opportunity to comment through the EIR process. The American Indian Council of Mariposa County, (Aka Southern Sierra Miwuk Nation), North Fork Rancheria of Mono Indians and Picayune Rancheria of the Chukchansi Indians were all notified.

Consultation in compliance with CEQA was conducted as a part of the EIR. The Picayune Rancheria of the Chukchansi Indians stated that the Tribe considers the Fish Camp area to be a "tribal cultural resource" (TCR) as described under AB 52. The Picayune Rancheria Tribe is concerned that construction and operation of the Tenaya Cabins Project would cause changes to the tribal cultural value of the project area. The resource does not meet the criteria for a TCR under PRC §21074 and the project impact is therefore less than significant. However, the County recognizes the importance of the cultural resource to the Tribe and and, therefore, agreement between DN and the Picayune Rancheria of the Chukchansi Indians was reached for application of Mitigation Measure 4.5-4.

The evaluation and consultation resulted in mitigation measures applicable to the project as follows:

Mitigation Measure 4.5-1a: Conduct archaeological monitoring outside of P 22 594/CA-MRP-280/H.

Mitigation Measure 4.5-1b: Stop work in the event of an archaeological discovery outside of P 22 594/CA-MRP-280/H.

Mitigation Measure 4.5-2: Stop work if human remains are discovered.

Mitigation Measure 4.5-4: Memorialize the cultural values of the project site through public education.

Additionally, on Thursday January, 19, 2017 the North Fork Rancheria of Mono Indians resubmitted their previous comment letter dated August 14, 2015. This letter is included in the EIR.

Landscaping, Vegetation and Tree Replacement

The project was designed to minimize the loss of native vegetation, thereby reducing the need for any significant landscaping or revegetation as a part of the project. However, any site landscaping plans shall be prepared by a licensed landscape architect. All landscaping must be of native species as recommended by a biologist and informed by the biological resources assessment contained in the EIR technical appendices. Landscaping irrigation must comply with the State Model Water Efficient Landscape ordinance. Landscape plans must address tree replacement as required by project mitigation.

Conceptual landscaping plans are required prior to grading permit issuance and final landscape plans are required prior to building permit issuance both require Planning Director approval.

Landscaping plans must include provision to address mitigation measure 4.14-1 that states:

“ Provide Vegetative Screening. If tree die-off occurs on the project site to the extent that the visibility of built structures becomes prominent, as determined by the County, the applicant/operator shall plant a visual screen that effectively mutes the visibility. A planting plan shall be prepared by a landscape architect and be approved by the County; it shall use native tree and vegetation species and shall identify the sizes of plantings. Plantings shall be irrigated with recycled water and monitored for establishment for five (5) years. If plantings die, they shall be replaced on a one-to-one ratio until established. Irrigation shall meet the 2015 Model Water Efficient Landscape Ordinance (CCR Title 23, Chapter 2.7), as verified by Mariposa County.”

Noxious Weed Abatement

The Tenaya Cabins Project would require grading and other soil disturbing activities that could potentially increase the spread of noxious weeds. Noxious weeds may be carried into the site by construction equipment, or existing infestations could be spread to other areas of the site. As discussed in the DRAFT EIR Section 4.4.1, “Regulatory Setting,” the Mariposa

County General Plan contains a policy to conserve the diversity of native ecosystems, plant communities, wildlife habitat, and plant and animal species in the County. Implementation measures related to addressing noxious weeds, including the enforcement of standards that reduce or eradicate invasive species affecting the agricultural and natural ecosystems, such as yellow-star thistle (*Centaurea solstitialis*) are included. To maintain consistency with the Mariposa County General Plan and address the spread of noxious weeds into and within the project site, noxious weed Best Management Practices (BMPs) shall be included in site management plans. The content of these BMPs shall be developed in coordination with the Mariposa County Agricultural Commissioner and would include specifications for equipment cleaning, soil movement, revegetation, and weed abatement.

Noise

The project proposed a new emergency diesel back-up generator, and external mechanical equipment (such as heating and ventilation systems). The project proposed outdoor events with amplified sound up to 10 pm. The project construction activities will also be a temporary noise source. EIR evaluation of noise impacts includes both temporary (construction related) and new stationary (ongoing) noise impacts. The project EIR evaluation resulted in mitigation measures to reduce noise exposure to sensitive receptors to less than significant levels. The noise exposure to nearby sensitive receptors is addressed in the project mitigation measures listed in the Final EIR MMRP that include:

Mitigation Measure 4.9-2: Reduce noise exposure to sensitive receptors from new stationary noise sources.

Mitigation Measure 4.9-4: Restrict construction hours and apply noise-reducing mufflers to construction.

The above referenced mitigation includes a site specific noise study to be submitted to the County prior to grading or building permit issuance that is prepared by a qualified acoustical engineer addressing County noise performance requirements for non-transportation noises at the surrounding off-site receptors located within 800 feet of the project site. A copy of the report shall be filed with the County *and copies shall be provided to all off-site residential receptors located within 800 feet of the project site.* If it is determined that the reduction of sound at the surrounding sensitive receptors associated with the implementation of mitigation measures is not sufficient to comply with the requirements herein, then the stationary noise source shall not be permitted. (As part of the site-specific noise study, the applicant shall assess the level of noise generated by the clubhouse speaker system to ensure that it does not exceed 50 dB Leq during daytime hours and 40 dB Leq during nighttime hours at any sensitive receptor.)

Application of the mitigation on the project insures that identified noise impacts from the project are mitigated to less than significant levels.

Fire Hazard Management

The DRAFT EIR Chapter 4.13 Hazards and Hazardous Materials evaluated the potential for wildland fire and the risk of upset associated with the routine use, storage, and transport of

hazardous materials and the potential health and safety consequences on workers, visitors, and residents in the project area.

The DRAFT EIR evaluation found that a potentially significant impact to the level of service by the Mariposa County Fire Department to serve the project as is illustrated by the following excerpt:

“The project must comply with the CALFIRE SRA Fire Safe Regulations (2016) for emergency access and egress (Article 2), signing and building numbering (Article 3), emergency water standards (Article 4), and fuel modification standards (Article 5) per Title 14, Section 1270 et seq. of the California Code of Regulations. These regulations establish minimum wildfire protection standards in conjunction with building, construction, and development in State Responsibility Areas (SRAs). The project includes the installation of fire hydrants, located adjacent to the paved access road per the requirements of Mariposa County Fire Department, as well as a 120,000-gallon water storage tank required for fire storage per Mariposa County requirements. Per Mariposa County requirements, all cabins and the clubhouse would be equipped with sprinklers, and would comply with the wildland/urban interface fire construction requirements of CALFIRE and the California Building Code. Furthermore, emergency access to both Parcel 1 and Parcel 2 (the residential parcel) has been included in the site plans in compliance with the requirements of Caltrans, the Mariposa County Fire Department, and CALFIRE, as described in Impact 4.13-2, above.

Although construction and operation of the project would adhere to CALFIRE and Mariposa County fire protection policies, the project would introduce people and structures to an area with a very high risk of wildland fire and level of service by the Mariposa County Fire Department could be a concern. This impact is potentially significant.”

The following mitigation is required per the Draft EIR and Final EIR for the project:

“Mitigation Measure 4.13-3: Provide supplementary fire protection staff and equipment. Prior to operation of the Tenaya Cabins Project DN shall provide a minimum of two trained and certified emergency staff on premises or in the Fish Camp community and available to respond to emergencies at all times. The supplementary staff would be trained to meet Mariposa County Fire Department Volunteer Fire Service standards. Staffing may be provided by Tenaya Lodge employees who have completed the required training.

DN shall provide personal protection equipment (PPE) and positive communication equipment for all firefighting and emergency service personnel provided by DN. PPE and communication equipment shall be stored in a central, secure location. Communication systems shall permit uninterrupted contact between all firefighters at all times and at all locations on or within the property. In addition, there shall be positive communication at all times between a fire officer and recognized Emergency Command Center (ECC). All equipment required shall be approved by and become property of Mariposa County and maintained per manufacturer and National Fire Protection Association (NFPA) standards by DN.

DN and Mariposa County shall negotiate a mutually-agreeable project contribution to support the Mariposa County Fire Department apparatus inventory. This shall be included as a condition of permitting for the project.

The above requirements, or equivalent as approved by the Mariposa County Fire Department, shall be included in a fully executed agreement between the Fire Department and DN prior to the issuance of grading or building permit for the project.”

The applicable California Fire Code and CALFIRE Public Resources Code 4290 and 4291, County Fire requirements and policies as well as the Building Department requirements for construction including the addition of 120,000 gallons of water storage, fire hydrants and required mitigation insure that the project is designed to have a less than significant impact as relates to fire hazards.

Forestry

Any and all CALFIRE required timber harvest permit; conversion or other timber related permit as required by CALFIRE shall be obtained and issued prior to issuance of any grading or building permit for the project. No timber harvest or conversion may occur until a CALFIRE verification letter is received by the Planning Director and Planning Director approval is obtained.

Site Security

The Tenaya Cabins project will be introducing guests to the site who are not familiar with the area or how the property is situated in relation to nearby private lands and sensitive area. As a part of the site security measures project staffing includes 24 hour security personnel. The project also proposes a signage and media program that functions as both directional and security measures in order to deter the guests from wandering off the property onto adjacent private lands or into sensitive and/or restricted areas.

Because the project is adjacent to private property and contains ecologically sensitive areas such as wetlands and on-site Rainbow Lake, the sign and media program will include a map illustrating roadways, walkways, parking, site topographic features and site boundaries. Additional physical boundary identification such as split rail fencing, handrail system or equivalent is required. The plan is to function as a security measure and interpretative program and provide a visual cue to guests and non-guests where the boundary of the Tenaya Cabins property lies, or where the boundary of appropriate guest access areas are located. The site security, signage and media program plan shall require Planning Director approval prior to the issuance of grading or building permit.

A gate along the Marshall Easement access road is required of the project and provides a level of security for the adjacent private property.

Employee Housing

It is estimated that the Tenaya Cabins Project would require 18 new employees. Currently, the majority of Tenaya Lodge's employees commute the approximately 14-mile distance from Oakhurst to Fish Camp. It is assumed that the future employees for the project would have a similar commute, as no onsite employee housing would be constructed as part of the project. However, for the past two years, DN has offered seasonal employee housing to 15 employees who are employed at the Tenaya Lodge or Cottages during the peak season

(mid-May to mid-October). DN currently employs a total of 427 staff during the summer season. Therefore, during peak season, DN offers employee housing in Fish Camp for 3.5 percent of the employees. Based on this same percentage, DN would offer summer housing in Fish Camp to one (1) of the 18 employees at Tenaya Cabins.

Conditions of approval require an updated housing market analysis to be submitted prior to building permit issuance. The analysis shall include recommendations for the DN employee housing programs to address housing needs if it is found that additional employee housing units are required.

Project Implementation

The County requires a project development schedule be submitted prior to issuance of a grading and or building permit for the project. Project schedule shall at a minimum include:

- Ancillary outside agency permitting application estimated submittal timeline
- Projected overall construction schedule
- Estimated completion

The effective date of project approval is the when the general plan/specific plan amendment ordinance becomes effective. From that point in time, the CUP would have a (3) three year timeframe in order to obtain a grading or building permit for the project unless otherwise requested and approved by the BOS. One 18-month extension may be requested for the CUP.

The subdivision would have (3) three years to record the map. Extensions beyond the initial 3 year map recordation timeframe would be subject to the Subdivision Map Act provisions.

Both the CUP extension and the subdivision map extension requests would require a public hearing that includes public noticing, FCPAC and Planning Commission review.

Agency Comments

Requests for comments to various agencies on the project, Notice of preparation and Revised Notice of Preparation for the EIR, EIR scoping, Draft EIR, and notification of Final EIR were included and addressed in the EIR, including the following agencies and tribal groups: Mariposa County Public Works, Mariposa County Health Department, Mariposa County Fire Department, Mariposa County Assessor, California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, the American Indian Council of Mariposa County (Southern Sierra Miwuk Nation), Picayune Rancheria of the Chukchansi Indians, Mariposa County Natural Resource Conservation Service, Mariposa County Agricultural Commissioner, Mariposa County Unified School District, CALFIRE, California Department of Public Health – Drinking Water Program, Pacific Gas & Electric, and Caltrans.

Applicable state agencies were also provided the opportunity to comment on the EIR through the State Clearinghouse and County requests for comment processes.

Public Comments

Public comments received during the project EIR scoping, Draft EIR, public meetings and hearings were included and addressed in the Draft EIR and Final EIR.

Additionally, staff received separate correspondence from Anne Marckesano and Tim and Ally Casagrande regarding title deed restrictions on their property associated with the access easement use to their parcel over the project parcel.

The County does not enforce private deed restrictions and no further action by the County is required in relation to the comment and correspondence regarding the old deed restrictions.

(Attachment F– Marshall Easement/Deed Correspondence)

Draft Proposed Project Conditions and Mitigation Measures CUP 2014-164

General

1. After the effective date of the Board of Supervisors' approval of General Plan /Zoning Amendment No. 2014-163, the Tenaya Cabins project shall be constructed in substantial conformance with the approved site plan and building elevations as approved by the Board of Supervisors. Minor increase in project square footages up to 10%, with no increase in the number of units, may be considered and approved by the Planning Director. Any substantial modification of the site plan requires additional public review.
2. Any representations by the applicant or agents speaking on the applicant's behalf shall be reduced to writing and added as conditions of project approval.
3. The conditional use permit shall be activated by the issuance of the first building or grading permit within 36 months from the effective date of Board of Supervisors approval of the project. Should activation of the permit(s) be delayed by any moratorium or excessive delays by a permitting agency over which the County of Mariposa does not exercise control, or should a lawsuit involving the approval of the CUP or related entitlements be pending in a court of competent jurisdiction, the 36 month clock shall be tolled until such time the court action or other delay has concluded. However, if the remaining time is less than 120 days, the permit shall be valid for 120 days following the termination of the moratorium or other event triggering the tolling of the period. The tolling period shall be initiated upon written notice by the applicant to the Planning Department setting forth the facts and circumstances justifying the tolling, and shall be immediately effective unless a written notice of rejection is issued by the Planning Director within 14 days of receipt of applicant's notice.
4. The applicant may request of the Planning Commission one 18-month time extension of the CUP initial time frame (as identified in condition no. 3 above) between the effective date of the approval of the CUP and the start of construction (building permit

or grading permit issuance). The application must be made at least 90 calendar days prior to the initial approval expiration date.

The Planning Commission or Board of Supervisors may impose any conditions and/or requirements it finds necessary to guarantee compliance with the project approval findings.

Any tolling provisions provided for by conditions of approval for the use permit shall remain in full effect. Time extension request provisions of this condition do not change any approved applicable tolling provisions.

5. An updated project development schedule shall be submitted to the Planning Director prior to issuance of grading and or building permit for the project. Project schedule shall at a minimum include:
 - Outside agency permitting application estimated submittal timeline
 - Projected overall construction schedule
 - Estimated completion
6. No use or occupancy of the project shall commence until the Planning Director has certified all applicable conditions have been satisfied.
7. No site disturbance activities shall commence without the issuance of a building or grading permit. Should there be no code requirement for such a permit, a letter authorizing site disturbance activities shall be issued by the Planning Director upon request and upon proof of condition completion.
8. Prior to the issuance of any site disturbance, building or grading permits, the permit holder shall submit final site plans based on construction plans. The final site plans shall clearly be labeled to match the approved site plans. All physical construction for the project shall be sited in substantial conformance with the approved plans.

Botanical/Wildlife

9. Prior to the commencement of site disturbance activities of any kind, the Planning Director shall receive a detailed preconstruction survey clearly identifying areas which are proposed to be retained in natural vegetation (e.g. grasses, shrubs, trees and riparian vegetation). Accompanying the preconstruction survey shall be a construction management plan identifying how "non-disturbance areas" are to be physically protected during construction activities.
10. Prior to the commencement of construction activities, a tree removal and replacement plan for mature trees shall be prepared by a licensed landscape architect based upon accepted industry practice for approval by the Planning Director. The Plan shall incorporate appropriate measures to be taken to minimize the spread of non-native vegetation.

11. Rainbow Lake shall not be stocked with non- native wildlife species.
12. Prior to the issuance of any building permits, or initiation of site development activities, the impacts on 0.01 acre of wetlands shall be fully mitigated in accordance with the approved mitigation plans agreed to by affected agencies.
13. The applicant shall submit a mitigation plan to address impacts associated with construction on identified wetlands and sensitive species prior to the issuance of a grading permit or building permit. The timing of complete mitigation shall occur based on the requirements of the resource agency or prior to occupancy of the building or buildings depending on the specific case and resource agency approved mitigation plan.
14. Prior to the issuance of a certificate of occupancy or commencement of use, the permit holder shall establish and implement a program requiring (1) guests with domestic animals to be under owners' control at all times; and (2) assurance no guest shall participate in hunting on the subject property.
15. Any proposed site fencing shall be limited to surrounding maintenance facilities, "no access" or ecologically sensitive areas, or as required for the site security plan. Fencing shall meet biologist approval and aesthetics requirements. Planning Director approval of any and all fencing plans shall be required prior to any building and/or grading permit issuance.
16. Prior to the issuance of any building or grading permits, the permit holder shall submit to the Mariposa County Agricultural Commissioner copies of the construction management plan identifying how the permit holder will take steps to prevent the transport of noxious weeds to the site. Certification of approval by the Agricultural Commissioner of such program shall be transmitted to the Planning Director.
17. Mitigation Measure 4.4-3: Avoid and minimize impacts to special-status bird species. To minimize potential disturbance to nesting birds, vegetation removal, grading and other ground disturbing activities associated with construction of the project shall occur during the non-breeding season (September 1-February 28), unless it is not feasible to do so, in which case the following measures shall also be applied.

If construction activity is scheduled to occur during the nesting season (February 28 to September 1), a qualified biologist shall conduct preconstruction surveys to identify active special-status bird nests within the project site that could be affected by project construction. Surveys shall be performed before activities occur (e.g., grading, tree removal, trenching, construction) and no less than 14 days and no more than 30 days before the beginning of activity. If no nests are found, no further mitigation is required.

If active nests are found, impacts on special-status bird species shall be avoided by establishment of appropriate buffers around the nests, as determined by a qualified biologist in consultation with CDFW. No project activity shall commence within the buffer area until a qualified biologist confirms that any young have fledged or the nest

is no longer active. A 50-foot buffer around olive-sided flycatcher and Vaux's swift nests are generally adequate to protect them from disturbance, but the size of the buffer may be adjusted by a qualified biologist in consultation with CDFW depending on site specific conditions and species sensitivity to disturbance. Monitoring of the nest by a qualified biologist during construction activities may be required to determine if activity has potential to adversely affect the nest, and to allow for increased buffer size or other measures to avoid impacts to the nest.

18. Mitigation Measure 4.4-4: Avoid and minimize impacts to fisher. Although the USFWS has determined that the West Coast DPS of fisher does not require the protection of the ESA, the USFWS has recommended that a conference assessment be prepared and a conference report or conference opinion be obtained from the USFWS (Nagano, pers. comm., 2016). Because of this recommendation, reference to the USFWS is included in the following mitigation.

The five trees previously identified as containing cavities that are potentially suitable for fisher den sites, and all trees along the utility corridor that contain suitable cavities that were not previously surveyed for potential den sites, shall be surveyed (using trail cameras) no more than 7 days before the initiation of construction activities within 0.25 miles of potentially suitable den sites to determine whether there are occupied dens. The protocol for pre-construction surveys of potential den sites shall be developed in coordination with CDFW and USFWS. If no occupied dens are detected then no further mitigation is required.

If any occupied dens are detected, CDFW and USFWS shall be immediately notified and a disturbance-free buffer of 0.25 mile shall be flagged around the den at ground level. Monitoring of the den site, and any adjustment or removal of buffers shall occur in consultation with CDFW and USFWS. If buffer areas cannot be avoided during construction activities, the following construction schedule shall be implemented.

If construction activities must be conducted within the established buffer areas from occupied fisher dens, work in these areas must take place between July 1 and March 1, which is outside of the kit-rearing season. During this period and prior to work occurring within the established buffer, as indicated above the monitoring of the den and the removal of the buffer shall be conducted in coordination with CDFW and USFWS. Once it has been determined that there would be no potential for mortality as a result of den disturbance, the tree may be removed or work conducted within the buffer area with oversight by the qualified biologist.

19. Mitigation Measure 4.4-5: Avoid and minimize impacts to special-status bats. To determine if special-status bats may be affected by construction, preconstruction acoustic surveys shall be conducted during an appropriate seasonal period to detect bats, which at this elevation would be mid-April to mid-October. If no special-status bat species are detected, no further mitigation is required.

If special-status bat species are detected, surveys to determine the presence of any roosting bats in tree cavities, under bark, or in foliage shall be conducted by a

qualified biologist. All trees in the project footprint plus a 300-foot buffer (on the subject property) shall be surveyed. To avoid impacts to roosting bats, if any roost sites are detected, a disturbance-free buffer of 300 foot shall be flagged, and shall not be removed until a qualified biologist has determined that the roost site is no longer in use.

If buffer areas cannot be avoided, removal of trees with active roosts must occur after August 31 and before October 15 to avoid impacts to roosting bats. Construction activities during that time would not have adverse impacts on maternity roosts because young bats would be independent from their mothers and flying. In addition, day roosts could be identified because bats would still be emerging nightly to forage.

A passive eviction plan shall be developed in consultation with CDFW. The eviction plan may include opening the roosting cavity to allow air flow, placing a one-way door on the entrance(s) to the roost, or disturbing the roost using a high-frequency broadcasting device. The roost shall be monitored with acoustic surveys to ensure that no bats are in the roosts before the trees are removed.

20. Mitigation Measure 4.4-6: Avoid and mitigate for impacts to Yosemite toad. Construction limits in suitable habitat for Yosemite toad (e.g., wet meadow) shall be clearly demarcated with high visibility construction fencing to minimize the disturbance area. No construction activities, including staging or stockpiling materials, shall occur outside of the construction limits.

Before any construction activities begin, a qualified biologist shall conduct a training session for all construction personnel. At a minimum, the training session shall include a description of Yosemite toad and its habitat, natural history, legal status, general measures that are being implemented to conserve Yosemite toad as they relate to the project, and the boundaries within which the project may be accomplished. Instructions on actions to take if a toad is encountered on the project site shall be provided, including name and phone number of biological monitor and USFWS contact information.

A qualified biologist shall survey the work site two weeks before the onset of activities in areas of suitable habitat for Yosemite toad (e.g., wet meadow). The pre-construction surveys shall focus on areas that toads may occupy, such as mammal burrows and cover areas under rocks, and shall identify eggs, tadpoles, juvenile, and adult life stages.

If a Yosemite toad is found on the project site, all construction activities in areas of potential habitat shall halt and USFWS shall be contacted. The project shall comply with requirements of the Endangered Species Act to exempt take of Yosemite toad, which may require additional conservation measures such as:

- Delaying construction within wet meadow habitat until the meadow is dry to allow juvenile toads to disperse.
- Excluding toads from the work site, by installing a fabric silt fence that is

monitored and maintained for the duration of construction activities between the work area and the adjacent habitat.

- Having a biological monitor on-site during construction to monitor the work areas for Yosemite toads.

21. Mitigation Measure 4.4-7: Avoid and mitigate for impacts to sensitive habitats, wetlands, and waters. As a first priority, the project applicant shall seek to avoid impacts to sensitive habitats through project design, setbacks, and other avoidance measures.

- To avoid temporary impacts to the water quality of wet meadow in the vicinity of the clubhouse and boardwalk, no vehicles or equipment shall be refueled within 100 feet of jurisdictional areas unless a bermed and lined refueling area is constructed. Spill kits shall be maintained on the site in sufficient quantity to accommodate at least three complete vehicle tank failures of 50 gallons each. Any vehicles driven or operated within or adjacent to drainages or wetlands shall be checked and maintained daily to prevent leaks. No vehicles or construction equipment shall be stored overnight within 100 feet of jurisdictional areas unless drip pans or ground covers are used.
- In addition, a minimum 25-foot construction setback shall be observed, where feasible, from the outer edge of all wet meadow and forested/shrub wetland/riparian communities, as shown in EIR Exhibit 4.4-1. Setbacks shall be fenced or flagged before construction occurs in adjacent areas. In areas where a setback is not feasible, such as for the construction of the boardwalk and clubhouse, encroachment of the work area into wet meadow habitats will be kept to a minimum and similarly flagged or fenced. If a 25 foot buffer is not feasible a reduced setback may be utilized in other areas of the project site if approved by a qualified biologist.
- To facilitate site management and ensure avoidance of sensitive habitats, all wetlands, riparian areas and streams and their setback areas shall be clearly delineated on plan sets. No construction- or operation-related vehicular access shall occur through wetlands, riparian areas, or streams. A biological monitor shall be present during construction to ensure the setback areas are avoided.

If impacts to jurisdictional wetlands or other waters of the United States is not possible, the project applicant shall implement the following measures to compensate for the loss of wetlands and other waters of the United States.

- The preliminary wetland delineation shall be submitted to and verified by USACE. If, based on the verified delineation, it is determined that fill of waters of the United States would result from project implementation, authorization for such fill shall be secured from USACE.
- Based on the 0.01 permanent impact identified, the project may qualify for use of a Nationwide Permit if required criteria are met.

- For those wetlands that cannot be avoided, the project applicant shall replace all wetland habitat at acreage and location agreeable to USACE and the RWQCB and as determined during the Section 401 and Section 404 permitting processes, and shall implement all permit conditions.

Public Services

22. Prior to the issuance of any building or grading permits, the County Fire Chief and California Department of Forestry and Fire Protection shall provide the Planning Director with a letter certifying that the engineering design of the loop road is of adequate width, grade, surfacing, and construction design to meet the requirements of the fire protection agencies.
23. Prior to the issuance of the any building or grading permits, the County Fire Chief shall provide the Planning Director with a letter certifying that the permit holder has entered into a written agreement satisfying the requirements of the County Fire Department for fire protection and demonstrates compliance with EIR mitigation Measure 4.13-3. The County Fire Chief shall provide a copy of the written agreement with the certification letter. The agreement shall, at a minimum, enumerate each mitigation measure identified in the Environmental Impact Report for fire protection and shall affirmatively state the measure's inclusion in the agreement or alternatives accomplishing the same objective as required by the mitigation measure that are incorporated into the agreement.
24. Mitigation Measure 4.13-3: Provide supplementary fire protection staff and equipment. Prior to operation of the Tenaya Cabins Project, DN shall provide a minimum of two trained and certified emergency staff on premises or in the Fish Camp community and available to respond to emergencies at all times. The supplementary staff would be trained to meet Mariposa County Fire Department Volunteer Fire Service standards. Staffing may be provided by Tenaya Lodge employees who have completed the required training.

DN shall provide personal protection equipment (PPE) and positive communication equipment for all firefighting and emergency service personnel provided by DN. PPE and communication equipment shall be stored in a central, secure location. Communication systems shall permit uninterrupted contact between all firefighters at all times and at all locations on or within the property. In addition, there shall be positive communication at all times between a fire officer and recognized Emergency Command Center (ECC). All equipment required shall be approved by and become property of Mariposa County and maintained per manufacturer and National Fire Protection Association (NFPA) standards by DN.

DN and Mariposa County shall negotiate a mutually-agreeable project contribution to support the Mariposa County Fire Department apparatus inventory. This shall be included as a condition of permitting for the project.

The above requirements, or equivalent as approved by the Mariposa County Fire Department, shall be included in a fully executed agreement between the Fire Department and DN prior to the issuance of grading or building permit for the project.

25. The public water system plans shall include 120,000 gallon (minimum) additional water storage. County Fire Chief approval that this condition has been met shall be required prior to building permit issuance.
26. The public water system including the 120,000 gallon (minimum) additional water storage tank(s), loop water line system, fire hydrants and the provisions to meet the commercial fire flows, as required by the County Fire, shall be installed prior to the issuance of a Building Permit for the construction of any flammable structures on the subject property or prior to the storage of flammable materials on site whichever occurs first.
27. Prior to the issuance of any building or grading permits, the permit holder shall submit required plans and water system design to the County Fire Department for review and approval. No building or grading permits shall be issued until the Planning Director receives a letter from the Fire Chief certifying the approval of the Plans. The Plans shall include all necessary information required by the County Fire Department.
28. Prior to the commencement of any structure framing, the approved water system shall be fully operational and approved by the County Fire Department. Evidence of Fire Department approval of the water system shall be provided to the Building Department prior to its issuance of any approvals to proceed with framing of the structures.
29. Prior to the issuance of a certificate of occupancy for any structure on the site, the County Fire Chief shall provide the Chief Building Official with a letter certifying that the structure(s) comply with requirements of the County Fire Department for fire protection, water supply, and other requirements.
30. Prior to the issuance of any building or grading permits, the Planning Director shall receive a letter from the CALFIRE indicating the final project design meets the requirements for the Fire Protection State Responsibility Area Firesafe Requirements for driveway standards, gate standards, road standards, emergency water supply standards, fire hydrant standards, defensible space standards, and as otherwise specified in 14 CCR§1270 et. seq.
31. All refuse containers shall comply with the County Code Chapter 8.44 for bear preventative/control measures. Refuse containers shall be sited and maintained to remain accessible during snow periods.
32. Prior to issuance of any building or grading permits, the permit holder shall provide the Director of Public Works with a Plan for Annual Maintenance of all on-site roads. The Plan For Annual Maintenance shall include, at a minimum:

- a. Provisions for snow removal on all on-site roads, including the emergency access road.
 - b. Provisions maintaining access to refuse containers and the on-site wastewater and water system infrastructure.
 - c. The method by which the Plan will be implemented through regular facility employees or by contract. Copies of executed contracts may be submitted with the Plan.
 - d. Provisions for the exclusive use of non-contaminated sand during winter months.
 - e. Evidence of any necessary easements or contractual access agreements with offsite property owners, if necessary.
33. Prior to the issuance of any building or grading permits, the permit holder shall provide the Planning Director with recorded copies of access agreements or easements granted in favor of any and all utility owners or access easement right owners with easements and or facilities crossing the project site providing for access for maintenance and operation of wells, pipelines, telephone lines, electric lines or other utilities.
34. Prior to the issuance of any building or grading permits, the permit holder shall notify the Planning Director of any on site easements which are required to be relocated as a result of the project design or construction. If any easements are to be relocated, the Planning Director shall receive a letter from the affected agency or utility indicating the permit holder has met or completed the requirements of the utility or affected agency.
35. Prior to the issuance of any building or grading permits, the permit holder shall submit restoration surety in a form satisfactory to the County Counsel. The amount of surety shall be 10% of the total construction cost of the project or equal to an engineer's estimate of the cost of site preparation and grading, whichever is greater plus a 50% contingency. This amount of the surety is to be confirmed by the Department of Public Works and guaranteed by an appropriate agreement with the County. Upon completion of the grading and building final approval by the County, the required security shall be returned to the permit holder.

Hydrology, Water and Wastewater

36. Mitigation Measure 4.12-2: Increase treated wastewater disposal capacity

Prior to the building permit final for the Tenaya Cabins, DN shall install a total of 908 linear feet of additional leach line at the Tenaya Lodge central leach field, including the 637 linear feet identified in the project and 271 linear feet identified in the Report of Waste Discharge – Amendment No. 2 for Tenaya Lodge Wastewater Treatment Facility (February 2017).

DN shall comply with all Central Valley RWQCB waste discharge requirements (WDRs) applied to the Tenaya Lodge WWTP under the State Water Resources Control Board's General Waste Discharge Requirements for Discharges to Land by Small Domestic Wastewater Treatment Systems Order WQ-2014-0153-DWQ (General Order).

37. The project shall install and maintain onsite pollutant control measures during project construction and operation as required to ensure NPDES compliance. The permit holder shall provide the Planning Director with a copy of its approved State Water Resources Control Board Construction Activity Storm Water Permits.
38. The project shall install and maintain onsite runoff attenuation facilities with sufficient capacity to reduce 100-year project stormwater runoff rates to those currently generated by the project site. The project engineered grading plans shall include these facilities.
39. Prior to the use or occupancy of any building, and on a continuing basis, the potable water supply from on-site wells shall meet or be treated to meet California Drinking Water Standards or shall be treated to meet those standards.
40. On an ongoing and continuous basis biosolids from the project shall be disposed in a method and location approved by the Mariposa County Health Department.
41. Mitigation Measure 4.11-1: Prepare and implement a stormwater pollution prevention plan. As described in DRAFT EIR Section 4.11.1, the project would require coverage by the statewide General Construction Permit. The General Construction Permit requires implementation of BMPs, monitoring of numeric action levels, and adherence to a site-specific SWPPP prepared to address conditions at the site during construction. Therefore, the project applicant shall prepare a SWPPP, which shall include measures such as the following:
 - Temporary BMPs to prevent the transport of earthen materials and other construction waste materials from disturbed land areas, stockpiles, and staging areas during periods of precipitation or runoff, including: filter fences, fiber rolls, erosion control blankets, mulch (such as pine needles and wood chips); and temporary drainage swales and settling basins.
 - Designated contractor staging areas for materials and equipment storage outside of riparian areas. Designated staging and storage areas would be protected by construction fencing and/or silt barriers, as appropriate. Following project completion, all areas used for staging would be stabilized or revegetated.
 - Temporary BMPs to prevent the tracking of earthen materials and other waste materials from the project site to offsite locations, including stabilized points of

entry/exit for construction vehicles/equipment and designated vehicle/equipment rinse stations, and sweeping.

- Temporary BMPs to prevent wind erosion of earthen materials and other waste materials from the project site, including routine application of water to disturbed land areas and covering of stockpiles with plastic or fabric sheeting.
- To avoid temporary impacts to the water quality of wet meadow in the vicinity of the clubhouse and boardwalk, no vehicles or equipment shall be refueled within 100 feet of jurisdictional areas unless a bermed and lined refueling area is constructed. Spill kits shall be maintained on the site in sufficient quantity to accommodate at least three complete vehicle tank failures of 50 gallons each. Any vehicles driven or operated within or adjacent to drainages or wetlands shall be checked and maintained daily to prevent leaks. No vehicles or construction equipment shall be stored overnight within 100 feet of jurisdictional areas unless drip pans or ground covers are used. In addition, a minimum 25-foot setback shall be observed from the outer edge of all wet meadow and forested/shrub wetland/riparian communities (see Exhibit 4.4-1). Setbacks shall be fenced or flagged before construction occurs in adjacent areas. If a 25 foot buffer is not feasible a reduced setback may be utilized if approved by a qualified biologist.
- Temporary BMPs to capture and contain pollutants generated by concrete construction including lined containment for rinsate to collect runoff from washing concrete delivery trucks and equipment.
- Protective fencing to prevent damage to trees and other vegetation to remain after construction, including tree protection fencing and individual tree protection such as protective casings of wood slats around the bases of trees.
- Temporary BMPs for the containment or removal of drilling spoils generated from construction of bridge foundations and abutments.
- Daily inspection and maintenance of temporary BMPs to ensure proper function. The prime contractor would be required to maintain a daily log of Temporary Construction BMP inspections and keep the log onsite during project construction, available for review by the Central Valley RWQCB and Mariposa County.
- Tree removal activities, including the dropping of trees, would be confined to the construction limit boundaries.
- Construction boundary fencing to limit disturbance and prevent access to areas not under active construction.

42. Mitigation Measure 4.11-2: Install permanent stormwater controls and water quality BMPs. The project applicant shall implement the following stormwater controls and water quality BMPs:

- Best management practices for the containment and isolation of products, and use of non-toxic products whenever possible would reduce the quantity of contaminants exposed to stormwater.
- Recognizing that in some instances it is impossible to isolate all contaminants from stormwater discharges, stormwater controls shall be implemented to reduce the amount of runoff that discharges directly to surface water. Water quality treatment facilities/best management practices (BMPs)/low impact development (LID) measures shall be designed according to the guidance of the California Stormwater Quality Association Stormwater Best Management Practice Handbooks for Construction, for New Development/Redevelopment, and for Industrial and Commercial as well as the Mariposa County Erosion and Sedimentation Policies for Construction Activities and the Specific Plan Topography and Soil Erosion requirements. Final site plans shall illustrate stormwater controls and water quality BMPs as a condition of project approval.
- Storm drainage from on- and offsite impervious surfaces (including roads) shall be collected and routed through specially designed vegetated swales, infiltration trenches, water quality inlets, detention basins, filters, etc. for entrapment of sediment, debris and oils/greases or other identified pollutants. BMPs shall be designed at a minimum in accordance with the Mariposa County Erosion and Sedimentation Policies for Construction Activities and the Specific Plan Topography and Soil Erosion requirements.
- No stormwater controls or BMPs shall be permitted within any identified wetlands area, floodplain, or right-of-way, except as authorized by project approvals.
- All BMPs shall be maintained as required to insure effectiveness. The applicant shall provide for the establishment of vegetation, where specified, by means of proper irrigation. Proof of ongoing maintenance, such as contractual evidence, shall be provided to Mariposa County upon request. Maintenance of these facilities shall be provided by the project owner/permittee. Contractual evidence of a monthly parking lot sweeping and vacuuming, and catch basin cleaning program shall be provided upon request. Failure to do so will be grounds for discretionary permit revocation.

43. Mitigation Measure 4.11-3: Prepare and implement a final drainage report that reduces runoff to pre-project conditions. As part of the project approval process, the applicant shall submit a Drainage Report prepared by a Registered Civil Engineer that addresses at minimum:

- written text addressing existing conditions,

- the effects of the proposed improvements,
- all appropriate calculations,
- watershed maps,
- changes in flows and patterns, and
- proposed on- and off-site improvements to accommodate flows from the project.

The final Drainage Report shall provide details showing that stormwater run-off shall be reduced to pre-project conditions (no net increase in runoff) through the installation of retention/detention facilities. Retention/detention facilities shall be designed to the satisfaction of the Mariposa County Public Works Department. The County may, after review of the project final drainage report, delete this requirement if it is determined that drainage conditions do not warrant installation of this type of facility. Maintenance of detention facilities by the property owner, or entity responsible for project maintenance shall be required.

No retention/detention facility construction shall be permitted within any identified wetlands area, floodplain, or right-of-way, except as authorized by project approvals.

44. Mitigation Measure 4.11-4: Prepare and implement well monitoring program. DN shall establish a monitoring program for FCMWC Well 1 and shall, at a minimum, include short duration pumping tests to assess production capacity and pumping water levels. These tests shall be completed on a monthly basis during the months of August, September, and October and shall include the following:

- Delaware North shall coordinate with FCMWC to test FCMWC Well 1 once a month during the months of August, September, and October. A qualified well driller, hydrologist or hydrogeologist, approved by the County, shall conduct the testing and provide monitoring reports.
- Each test shall be preceded by a minimum of eight (8) hours of non-operation in FCMWC Well 1.
- A static depth to water measurement shall be collected and recorded following the period of non-operation and preceding the start of the test.
- Following the period of non-operation and collection of the static depth to water measurement, FCMWC Well 1 shall be pumped at the full capacity of the existing pumping equipment for a period of at least four (4) hours.
- Depth to water measurements shall be collected in FCMWC Well 1 throughout the four (4) hour test. Depth to water measurements shall be collected at least every ten (10) minutes throughout the test.
- Production volume and rate measurements shall be collected from the discharge of FCMWC Well 1 at least every ten (10) minutes throughout the test.
- The three Tenaya Lodge wells shall be maintained non-operational for a period of at least four (4) hours prior to the start of the test and shall remain non-operational for the first two (2) hours of the test.
- After the first two (2) hours of the test have elapsed, the Tenaya Lodge wells shall be turned on and allowed to operate at full capacity.

- The production rate and pumping depth to water measurements from FCMWC Well 1 shall be compared to previous test results.
 - This evaluation will compare each test to previous tests, and also compare the first two (2) hours of each test (when the Tenaya Lodge wells are not operating) to the first two (2) hours of previous tests, and the second two (2) hours of each test (when the Tenaya Lodge wells are pumping) to the second two (2) hours of previous tests.
 - The comparisons shall consider specific capacity information for incremental time steps during the test (e. g. every hour) and compare these data to those from the same time step in previous tests.
 - The results of each test shall be compared to the previous tests from that year and to the tests from the same month in previous years.
- A sustained reduction of over ten (10) percent of the capacity of FCMWC Well 1, measured either by a reduction in pumping rate or a reduction in specific capacity, shall trigger the need for implementation of water demand management measures at the Tenaya Cabins, Tenaya Lodge, and Tenaya Cottages. A sustained ten (10) percent reduction shall apply only to decreases in the capacity of the well when compared to prior years. Small seasonal changes in well production capacity are to be expected, and these shall not trigger implementation of water demand management measures.
- Any reduction of over twenty (20) percent of the capacity of FCMWC Well 1, either compared to previous months or the previous year, shall trigger implementation of water demand management measures at the Tenaya Cabins, Tenaya Lodge, and Tenaya Cottages.

This monitoring program shall be initiated as far as possible in advance of completion of project construction. Collection of baseline pumping rate and water level data from FCMWC Well 1 before the project becomes operational will improve the usefulness and reliability of the monitoring data.

The FCMWC Well 1 monitoring program shall be implemented for five (5) years. If there is no defined drought during that five (5) year period, then Delaware North, FCMWC, and Mariposa County may extend the monitoring for a second five (5) year period, not to exceed a total of ten (10) years.

If triggered as a result of the FCMWC Well 1 monitoring program described above, DN shall implement one or more of the following water demand management measures at the Tenaya Cabins, Tenaya Lodge, and Tenaya Cottages to incrementally reduce groundwater pumping until supplemental monitoring of FCMWC Well 1 shows no residual reduction in the production capacity.

- Adjust operation of the three existing wells in the Tenaya Lodge water system; alternate well pumping so that the Tenaya wells do not pump at the same time.

- Reduce the rates of pumping in three existing wells in the Tenaya Lodge water system.
- Reduce occupancy at the Tenaya Cabins, Tenaya Lodge, and Tenaya Cottages to reduce the total demand for water.
- Install additional water conservation devices throughout the Tenaya Cabins, Tenaya Lodge, and Tenaya Cottages to reduce the total demand for water.

If no agreement is reached between DN and FCMWC, then the mitigation measure requirements established for this monitoring program shall be followed as much as is determined to be possible pursuant to existing easement agreements recorded as Documents No. 932101, No. 932100, and No. 2057098, Mariposa County Records.

45. All project plans submitted for construction permits shall include the delineation of the 100-year floodplain for Big Creek that was completed for the Tenaya Cabins Project as illustrated on Exhibit 4.11-6. of the Draft EIR. The flood plain along Big Creek shall be avoided (unaltered) by the proposed project including construction activities. As indicated on the proposed site plans (Exhibits 3-3 and 3-4 in Chapter 3 of the Draft EIR), all project facilities and related ground disturbance would remain outside the delineated 100-year floodplain. Flood plain delineation boundary location as shown on the plans shall be surveyed and staked in the field by an appropriately qualified professional prior to any site disturbance activities and the staking shall be maintained during the construction.

Geology and Soils

46. Mitigation Measure 4.10-2: Prepare and implement a stormwater pollution prevention plan. The project applicant shall implement Mitigation Measure 4.11-1, as required in the Final EIR. The project would require coverage by the statewide General Construction Permit. The General Construction Permit requires implementation of BMPs, monitoring of numeric action levels, and adherence to a site-specific Stormwater Pollution Prevention Plan (SWPPP) prepared to address conditions at the site during construction. Therefore, the project applicant shall prepare and implement a SWPPP, as described in Mitigation Measure 4.11-1. The RWQCB and Mariposa Planning Department verification this condition has been met is required prior to and construction grading and/or building.

Air Quality

47. Prior to the issuance of any building or grading permits, the County Air Pollution Control Officer shall approve the project construction contract specifications shall meet all applicable Air Pollution Control District (APCD) requirements.
48. All fire pits as shown on the approved site plan shall comply with APCD requirements. County Air Pollution Control Officer shall approve plans prior to grading and/or building permit issuance.

49. The final structure design may include appropriately certified woodstoves or LPG-fired decorative fireplaces. All wood-burning devices shall be approved by the County Air Pollution Control Officer prior to the building permit issuance, use or occupancy of the building.
50. All applicable APCD requirements shall be met at pre-building or pre-grading permit issuance, during construction, prior to occupancy, and during operation to the satisfaction of the County Air Pollution Control Officer.
51. Prior to the use or occupancy of any building, the Environmental Health Division Director shall certify that wastewater storage, collection and transmission facilities incorporate appropriate equipment and design so that odors cannot be detected.

Greenhouse Gas Emissions and Climate Change

52. Mitigation Measure 4.8-1: Incorporate design features into project to be consistent with the Scoping Plan. To achieve consistency with the California Light-Duty Vehicle Greenhouse Gas Standards, the applicant shall:

- Install, at a minimum, two onsite electric charging stations for use by guests and employees to encourage use of plug-in electric and hybrid vehicles.

Prior to issuance of grading or building permit, plans must include the required charging station.

All responsible agencies and specific timing of all the actions required of the mitigation are included in the Board of Supervisors approved EIR Mitigation Monitoring and Reporting Program.

Traffic, Access and Circulation

53. Highway 41 Entrance (Access Segment 1) Prior to the issuance of any building or grading permits, the permit holder shall obtain encroachment permit/s from Caltrans for construction of Highway 41 improvements for the main entrance and secondary emergency access and shall submit a copy of said permit to the Planning Director. The entrance and secondary emergency access road improvements shall be configured to meet Caltrans requirements for acceleration and deceleration distances and turning lane requirements.
54. Prior to the final of the grading or building permit the "subdivision road" (Access Segment 2) shall be improved to a Town Class IV road standard (optional on-street parking and sidewalks are not required). The intersection adjacent Parcel 2, clubhouse and Access Segment 3 may function as a turnaround and/or hammerhead T, provided the turnaround or hammerhead T shall meet County Public Works, County Fire, and CALFIRE requirements.

55. A security gate or equivalent shall be installed at the end of Access Segment 2 roadway at, or near, the shared intersection of the clubhouse access road and proposed Parcel 2. The gate is intended to provide a security measure to deter guests of the Tenaya Cabins from using the access road that serves the Marshall property and maintain the traffic circulation on site. The gate shall meet requirements for location, site security and fire/emergency services access and be approved by the County and CALFIRE prior to grading or building permits issuance. Gate location, type and informational gate/roadway usage signage shall be included in plans and require approval prior to issuance of grading and or building permit for the project.
56. Access Segment 4 – and all other internal circulation roadways are required to meet County Fire and CALFIRE approval for minimum width, slope, loading and capacity. The County Fire Department and CALFIRE required of the project for the main cabin access loops to be a minimum of 20 feet wide in order to allow for emergency through traffic with some 14 foot wide sections with turnouts that are included as shown on the approved plans. No additional roadway easements are required for these internal private roadways.
57. Access Segment 5 A 20 foot wide paved road for secondary emergency access to serve the project is required and shall be improved to meet minimum CALFIRE requirements approved by County Fire and CALFIRE prior to building permit issuance. Security measures and gates for this segment shall meet County, CALTRANS and CALFIRE requirements.
58. Prior to the use or occupancy of any building, the permit holder shall install “One-way” signs and any other required directional signage on breakaway posts along the one-way segments of the internal roadway system in conformance with the approved signage plan.
59. 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 after and prior to issuance of any CALTRANS encroachment permit for the required improvements, a consultation meeting with the Public Works Department, the Planning Department, the applicant, the agent, the road contractor, CALTRANS and CALFIRE shall occur. The Agricultural Commissioner, a representative from Pacific Gas & Electric, a representative from the Health Department and a representative from the Mariposa County Resource Conservation District, Fish Camp Mutual Water Company and Picayune Rancheria of Chukchansi Indians shall be invited to attend. Any and all costs associated with the consultation shall be the responsibility of the applicant. The County Engineer shall verify that this condition has been met prior to issuance of any encroachment permit required for this project and prior to the scheduling of any on-site inspections of road improvements.
60. 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.

61. The County Engineer may require engineered improvement plans prepared by a Registered Civil Engineer for any improvements required as a condition of approval for this project. If engineered improvement plans are required, the plans shall be approved by the County Engineer prior to commencement of construction work on the required road improvements.
62. 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 condition 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.
63. Immediately upon completion of the required road and encroachment improvements, the applicant shall re-vegetate all exposed soils and install other erosion control as recommended by the Resource Conservation District (RCD). The applicant shall also contact the RCD for an inspection. Inspection fees shall be the responsibility of the applicant. A letter shall be submitted to the County Surveyor by RCD stating that the re-vegetation and erosion control provisions have been completed prior to the filing of the final map and or prior to building permit final.
64. Prior to building permit final for the cabins construction, all applicable State Fire Safe Regulations shall be met, including construction of roadways, cul-de-sac (or hammerhead T) turnarounds, road naming and signage. A letter shall be submitted to the County Surveyor and Planning Director by CALFIRE stating this condition has been met.
65. Prior to the commencement of any road construction activities, the project proponent shall obtain from the Regional Water Quality Control Board (RWQCB) a General Permit for Discharges of Storm Water Associated with Construction Activity, unless it can be shown to the satisfaction of the Mariposa County Planning Director through evidence submitted by a qualified person, such as a licensed land surveyor or registered civil engineer, that less than one acre of land will be disturbed to implement the project. A copy of the approved permit or evidence that a permit is not required shall be submitted to the Mariposa County Public Works Department by the project proponent prior to the pre-construction consultation meeting required in these conditions of approval. If a permit is required, all provisions and requirements of the permit shall be completed prior to filing of the final map and/or building permit final for the cabins. The proponent shall submit to the County Surveyor evidence that the permit requirements have been met to the satisfaction of the RWQCB.

Aesthetics

66. No changes to the approved site plan, exterior design, color, or materials of any structure or landscaping shall be permitted without review by and written approval of the Planning Director pursuant to applicable conditions for the project.

67. Prior to the issuance of any building or grading permits, the permit holder shall cause to be prepared by a certified arborist or landscape architect appropriately licensed by the state of California a tree survey of areas to be affected by site development to locate and define the number and size of mature trees proposed to be removed. Mature trees with a breast height diameter of six inches or greater proposed to be removed shall be indicated on final site plans. The plan for mature trees shall be based upon accepted industry standards. The Plan shall specify that replacement trees for removed mature trees shall be a minimum size of 15 gallons. In conducting the review of the plans, the Planning Director shall apply County of Mariposa's Scenic Highway Overlay Zone Standards.
68. Site landscaping plans are required and shall be prepared by a licensed landscape architect. All species must be native species. Landscaping plans must meet County of Mariposa Scenic Highway Overlay Zone standards. Landscaping irrigation must comply with the State Model Water Efficient Landscape ordinance. Planning Director Approval is required of conceptual landscaping plans prior to grading permit issuance and final landscape plans required prior to building permit issuance.
69. Mitigation Measure 4.14-1: Provide Vegetative Screening. If tree die-off occurs on the project site to the extent that the visibility of built structures becomes prominent, as determined by the County, the applicant/operator shall plant a visual screen that effectively mutes the visibility. A planting plan shall be prepared by a landscape architect and be approved by the County; it shall use native tree and vegetation species and shall identify the sizes of plantings. Plantings shall be irrigated with recycled water and monitored for establishment for five (5) years. If plantings die, they shall be replaced on a one-to-one ratio until established. Irrigation shall meet the 2015 Model Water Efficient Landscape Ordinance (CCR Title 23, Chapter 2.7), as verified by Mariposa County.
70. All on-site lighting fixtures shall be designed to be in compliance with the model lighting code developed by the International Dark Sky Association and shall be approved by the Planning Director prior to the installation of any fixtures. The Director may require plan review by a lighting specialist to ensure condition compliance. Applicant shall pay all costs associated with this review.
71. Prior to building permit issuance project plans must be submitted and approved by the Planning Director that include the architectural elevations, color types and materials of the proposed cabins and the clubhouse structures. The proposed architectural features must include color themes of earth tones, standing seam metal roof material, exposed beams along porches and eave overhang features that are associated with mountain cabin design as are depicted in the proposed plans (as approved) and this includes the architectural elevations included in the EIR Appendix A project plan set.
72. Site security elements that may include split rail fencing shall be approved by the Planning Director prior to grading or building permit issuance. The purpose of these elements shall be to keep guests on-site.

Cultural and Historical Resources

73. Mitigation Measure 4.5-1a: Conduct archaeological monitoring outside of P 22 594/CA-MRP-280/H. Archaeological monitoring will be conducted in areas outside of site P-22-594/CA-MRP-280/H where there is likelihood that archaeological remains may be discovered but where those remains are not visible on the surface (per the confidential Cultural Resources Assessment on file at the county). Where necessary, the project proponent will seek Native American input and consultation.

74. Mitigation Measure 4.5-1b: Stop work in the event of an archaeological discovery outside of P 22 594/CA-MRP-280/H. If potentially significant cultural resources are discovered outside of site P-22-594/CA-MRP-280/H during ground-disturbing activities associated with individual project preparation, construction, or completion, the project proponent will require the construction contractor to stop work in that area until a qualified archaeologist can assess the significance of the find, and, if necessary, develop appropriate treatment measures in consultation with appropriate agencies and interested parties. A qualified archaeologist will follow accepted professional standards in recording any find including submittal of the standard California Department of Parks and Recreation (DPR) Primary Record forms (Form DPR 523) and location information to the California Historical Resources Information Center office (Central California Information Center) for California projects. The consulting archaeologist will also evaluate such resources for significance per CRHR eligibility criteria (PRC Section 5024.1; Title 14 CCR Section 4852).

If the archaeologist determines that the find does contain temporally diagnostic materials and does not meet the CRHR standards of significance for cultural resources, construction may proceed. If the archaeologist determines that further information is needed to evaluate significance, the lead agency will be notified and a data recovery plan will be prepared.

75. Mitigation Measure 4.5-2: Stop work if human remains are discovered. California law recognizes the need to protect Native American human burials, skeletal remains, and items associated with Native American burials from vandalism and inadvertent destruction. The procedures for the treatment of Native American human remains are contained in California Health and Safety Code Sections 7050.5 and 7052 and California Public Resources Code Section 5097.

If human remains are discovered during any demolition/construction activities, potentially damaging ground-disturbing activities in the area of the remains shall be halted immediately, and the project applicant shall notify the Mariposa County coroner and the NAHC immediately, according to Section 5097.98 of the State Public Resources Code and Section 7050.5 of California's Health and Safety Code. If the remains are determined by the NAHC to be Native American, the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. The project applicant shall also retain a professional archaeologist with Native American burial experience to conduct a field investigation of the specific site and consult with the

Most Likely Descendant (MLD), if any, identified by the NAHC. Following the coroner's findings, the archaeologist, and the NAHC-designated MLD shall determine the ultimate treatment and disposition of the remains and take appropriate steps to ensure that additional human interments are not disturbed. The responsibilities for acting upon notification of a discovery of Native American human remains are identified in California Public Resources Code Section 5097.94.

76. Mitigation Measure 4.5-4: Memorialize the cultural values of the project site through public education. Delaware North, the project applicant, shall further consult with the Picayune Rancheria of the Chukchansi Indians to plan, design, agree on the content, and implement the following:

- a. Cultural Resource Interpretative Program (Program) for the Tenaya Cabins Project site, which shall include
 - i. cultural resource interpretive display(s) inside the clubhouse,
 - ii. cultural resource seminar(s) or workshop(s) for interested groups, and/or
 - iii. cultural resource brochures and/or handouts for the patrons and public.

The primary goal of the Program shall be to educate the public on the cultural history of the Fish Camp area, particularly the Chukchansi Indians and their history in the region, as well as the significance of environmental resources to their culture.

The agreement for the Tenaya Cabins Cultural Resource Interpretive Program between the Tribe and Delaware North shall be submitted to, and approved by the County Planning Director prior to the issuance of a grading or building permit for the project. The Program shall define the location, material type(s), and dimensions of any/all displays proposed. The Program shall establish the themes, text, and images for all displays and brochures. The agreement shall define the financial obligation of Delaware North related to the display(s) and brochures/handouts and their maintenance. Delaware North shall make space available for cultural resource seminars/workshops, but shall not be financially responsible for their implementation. The Cultural Resource Interpretive Program agreement shall be submitted to, and approved by, the Planning Director. The County shall be responsible for verification of installation of interpretive display(s) and brochure(s) prior to the certificate of occupancy of project clubhouse or cabins.

Noise

77. Mitigation Measure 4.9-2: Reduce noise exposure to sensitive receptors from new stationary noise sources. The project applicant shall implement the following measures to reduce the effect of noise levels generated by onsite stationary noise sources:

- Routine testing and preventive maintenance of the emergency diesel generator shall be conducted during the less sensitive daytime-business hours (i.e., 7:00 a.m.

to 5:00 p.m.). The generator shall be equipped with noise control (e.g., muffler) devices in accordance with manufacturers' specifications.

- External mechanical equipment, including the diesel powered emergency generator, shall incorporate features designed to reduce noise emissions below the County stationary noise requirements (i.e., 55 dB Leq during daytime hours and 45 dB Leq during nighttime hours). These features may include, but are not limited to, locating equipment within equipment rooms or enclosures that incorporate noise reduction features, such as acoustical louvers, and exhaust and intake silencers. Equipment enclosures shall be oriented so that major openings (i.e., intake louvers, exhaust) are directed away from nearby noise-sensitive receptors.
- The clubhouse speaker system shall be located, oriented, and calibrated so that it operates at noise levels that do not exceed County requirements (i.e., 50 dB Leq during daytime hours and 40 dB Leq during nighttime hours) at any existing or planned sensitive receptor.

To ensure that Mariposa County noise requirements are met for non-transportation noise sources are not exceeded at any nearby sensitive land uses the project applicant shall comply with the following:

- Prior to issuance of any grading or building permits for the project, a site specific noise study shall be submitted by a qualified acoustical engineer addressing County noise performance standards for non-transportation noises at the surrounding off-site sensitive receptors within 800 feet of the project site.
- A qualified acoustic specialist shall be selected by the County and hired at the project applicant's expense to verify the effectiveness of all noise reduction measures. The noise study shall use approved calculation methodologies and include recommendations and measures to ensure compliance with County requirements. A copy of the report shall be filed with the County and copies shall be provided to all off-site residential receptors located within 800 feet of the project site. If through this mitigation measure it is determined that the reduction of sound at the surrounding sensitive receptors associated with the implementation of mitigation measures is not sufficient to comply with County requirements, then the stationary noise source shall not be permitted.
- As part of the site-specific noise study, the applicant shall assess the level of noise generated by the clubhouse speaker system to ensure that it does not exceed County requirements (i.e., 50 dB Leq during daytime hours and 40 dB Leq during nighttime hours) at any sensitive receptor. The speaker locations and settings shall be reviewed and approved by the County. The clubhouse speaker system shall be recalibrated once a year to ensure that it continues to operate in compliance with the County requirements. The results of the calibration, including monitored noise levels, shall be provided to the County. If an exceedance of County standards occurs, the speaker system shall be

recalibrated, volumes shall be lowered if necessary, and the system shall be re-reviewed by the County to demonstrate compliance.

78. Mitigation Measure 4.9-4: Restrict construction hours and apply noise-reducing mufflers to construction equipment. The County shall require the applicant to implement the following noise reduction measures during construction activities:

- All construction activities shall be limited to the hours of 7:00 a.m. to 7:00 p.m. for Monday through Friday and 9:00 a.m. to 8:00 p.m. on weekends and legal holidays.
- All construction equipment shall be properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturer recommendations. Equipment engine shrouds shall be closed during equipment operation.

79. A notice shall be placed in all cabins and in and around the clubhouse, in media and signage prepared for guests stating, to the effect and not necessarily in these words, "In respect for residential neighbors, no radios or other forms of amplified music are allowed outside between the hours of 10:00 p.m. and 7:00 a.m.". Signage, media and/or plans shall be submitted in draft prior to building permit issuance and shall be installed and required prior to building permit final.

Housing

80. A housing market analysis for employee housing shall be submitted to and approved by the Planning Director prior to building permit issuance. The analysis shall include recommendations for the DN employee housing programs to address housing needs resulting from this project. If it is found by the analysis that additional employee housing units are required, then provisions for meeting the housing needs shall be required and established prior to building permit final. Analysis must be prepared by an appropriately qualified individual as approved by the Planning Director.

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81. The land division approval is valid for a period of three years from _____, 2017. This approval shall expire on _____, 2020. An extension of time may be granted, if a complete time extension application is submitted prior to the expiration date.

82. The project proposes the Tenaya Lodge public drinking water system serve both subdivision parcels. Delaware North or its successors in interest shall be responsible for maintaining the water system that serves the project. The property owner of proposed Parcel 2 of the subdivision shall pay their fair share for costs of the service.

A disclosure shall be recorded in Official Records concurrently with the parcel map and referenced on the parcel map or shall be included on an additional map sheet which indicates its relationship to the parcel map. The statement shall be as follows:

“This notice is not intended to affect record title interest. Parcel 2 as shown on the Parcel Map for _____, recorded in Book _____ of Parcel Maps at Page _____, Mariposa County Records, is served by the Tenaya Lodge Public Water System and the property owner shall pay their fair share for the water service provided by Delaware North or their successors in interest.”

83. The project proposes the Tenaya Lodge Waste Water treatment facility serve both subdivision parcels. Delaware North or its successors in interest shall be responsible for maintaining the waste water treatment system that serves the project. The property owner of proposed Parcel 2 of the subdivision shall pay their fair share for costs of the service. A disclosure shall be recorded in Official Records concurrently with the parcel map and referenced on the parcel map or shall be included on an additional map sheet which indicates its relationship to the parcel map. The statement shall be as follows

“This notice is not intended to affect record title interest. Parcel 2 as shown on the Parcel Map for _____, recorded in Book _____ of Parcel Maps at Page _____, Mariposa County Records, is served by the Tenaya Lodge Waste Water Treatment system and the property owner shall pay their fair share for the waste water treatment service provided by Delaware North or their successors in interest.”

84. Access Segment 1 Prior to any work the permit holder shall obtain encroachment permit/s from Caltrans for construction of Highway 41 improvements for the main entrance and secondary emergency access and shall submit a copy of said permit to the Planning Director. The entrance and secondary emergency access road improvements shall be configured to meet Caltrans requirements for acceleration and deceleration distances and turning lane requirements.
85. Prior to the filing of the parcel map, Access Segment 2 shall be improved to a Town Class IV road standard (optional on-street parking and sidewalks are not required). The intersection adjacent Parcel 2, clubhouse and Access Segment 3 may function as a turnaround and/or hammerhead T, provided the turnaround or hammerhead T shall meet County Public Works, County Fire, and CALFIRE requirements.
86. A variable width easement to accommodate all required improvements for the Access Segment 2, including easement sufficient to accommodate a turnaround, shall be provided and shown on the map to encompass the required road and turnaround improvements. Additional easement width may be required to encompass the required road improvements, including turnouts and associated cuts and fills, in accordance with the County Improvement Standards and Road Improvement and Circulation Policy. The easements shall be offered for dedication to the County of

Mariposa. The offers of dedication shall be non-revocable and specifically state the dedications are for "public road and utility purposes."

87. A security gate or equivalent shall be installed at the end of paved subdivision Access Segment 2 roadway at, or near, the shared intersection of the clubhouse access road and proposed Parcel 2. The gate is intended to provide a security measure to deter guests of the Tenaya Cabins from using the access road that serves the Marshall property and maintain the traffic circulation on site. The gate shall meet requirements for location, site security and fire/emergency services access and be approved by the County and CALFIRE prior to grading or building permits issuance. Gate location, type and informational gate/roadway usage signage shall be included in plans and require approval prior to issuance of grading and or building permit for the project.
88. Access Segment 2 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 approved by the Board of Supervisors. Approval of the road names shall be tentative, until the map is filed. The names of all the roads shall be shown on the final map.
89. Access Segment 5 A 20 foot wide paved road for secondary emergency access to serve the project is required and shall be improved to meet minimum CALFIRE requirements approved by County Fire and CALFIRE prior to building permit issuance. Security measures and gates for this segment shall meet County, CALTRANS and CALFIRE requirements.
90. Access Segment 2 is proposed to serve both subdivision parcels. Delaware North or its successors in interest shall be responsible for maintaining the road. The property owner of proposed Parcel 2 of the subdivision shall pay their fair share for costs of the maintenance. A disclosure shall be recorded in Official Records concurrently with the parcel map and referenced on the parcel map or shall be included on an additional map sheet which indicates its relationship to the parcel map. The statement shall be as follows:

"This notice is not intended to affect record title interest. Parcel 2 as shown on the Parcel Map for _____, recorded in Book _____ of Parcel Maps at Page _____, Mariposa County Records, shall pay their fair share of maintenance for the subdivision access road provided by Delaware North or their successor in interest for the provision of the road maintenance".
91. 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 after and prior to issuance of any CALTRANS encroachment permit for the required improvements, a consultation meeting with the Public Works Department, the Planning Department, the applicant, the agent, the road contractor, CALTRANS and CALFIRE shall occur. The Agricultural Commissioner, a representative from Pacific Gas & Electric, a representative from the Health Department and a representative from the Mariposa County Resource Conservation District, Fish Camp Mutual water

Company and Picayune Rancheria of Chukchansi Indians shall be invited to attend. Any and all costs associated with the consultation shall be the responsibility of the applicant. The County engineer shall verify that this condition has been met prior to issuance of any encroachment permit required for this project and prior to the scheduling of any on-site inspections of road improvements.

92. 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.
93. The County Engineer may require engineered improvement plans prepared by a Registered Civil Engineer for any improvements required as a condition of approval for this project. If engineered improvement plans are required, the plans shall be approved by the County Engineer prior to commencement of construction work on the required road improvements.
94. 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 condition 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.
95. Immediately upon completion of the required road and encroachment improvements, the applicant shall re-vegetate all exposed soils and install other erosion control as recommended by the Resource Conservation District (RCD). The applicant shall also contact the RCD for an inspection. Inspection fees shall be the responsibility of the applicant. A letter shall be submitted to the County Surveyor by RCD stating that the re-vegetation and erosion control provisions have been completed prior to the filing of the final map.
96. All cut and fill areas required for the construction of the proposed access road shall be included within the access easement pursuant to the County Improvement Standards, which may necessitate a variable width easement greater than 60 feet in width. The location, width, and description of the easements shall be approved by the County Engineer.
97. Prior to filing of the final map, all applicable State Fire Safe Regulations shall be met, including construction of roadways, cul-de-sac (or hammerhead T) turnarounds, road naming and signage. A letter shall be submitted to the County Surveyor and Planning Director by CALFIRE stating this condition has been met.
98. Prior to the commencement of any easement road construction activities, the project proponent shall obtain from the Regional Water Quality Control Board (RWQCB) a General Permit for Discharges of Storm Water Associated with Construction Activity, unless it can be shown to the satisfaction of the Mariposa County Planning Director

through evidence submitted by a qualified person, such as a licensed land surveyor or registered civil engineer, that less than one acre of land will be disturbed to implement the project. A copy of the approved permit or evidence that a permit is not required shall be submitted to the Mariposa County Public Works Department by the project proponent prior to the pre-construction consultation meeting required in these conditions of approval. If a permit is required, all provisions and requirements of the permit shall be completed prior to filing of the final map. The proponent shall submit to the County Surveyor evidence that the permit requirements have been met to the satisfaction of the RWQCB.

Additional Conditions (Applicable to General Plan/Specific Plan Zoning Amendment (GP/SPZA 2014-163), Land Division (LDA 2014-165), Conditional Use Permit (CUP 2014-164)

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

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

100. Prior to filing of the final map or issuance of permits, all fees associated with the County's processing of the map and filing of associated CEQA documents (applicable to land division, general plan/specific plan amendment and conditional use permit) shall be paid. The Department of Fish and Wildlife CEQA filing fee (\$3078.25 as of January 1, 2017) and County Clerk fee (\$50 as of January 1, 2017) shall be paid by the applicant within five (5) working days of the approval of the application (by Friday, _____, 2017, because if the fee is not paid within 5 working days, and the Notice of Determination is not filed with the County Clerk prior to close of business on Friday, _____, 2017 the environmental determination is not operative, vested, or final (Section 21089(b) Public Resources Code).

The County Clerk requires that one check be submitted to cover both of these fees, for a total of **\$3128.25** (effective January 1, 2017), and that it be in the form of a cashier's 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.

NOTE: The filing fees are adjusted annually, effective January 1st of each year, pursuant to Fish and Game Code.

Attachments:

- A. Vicinity Map
- B. Project Plans & Tentative Map
- C. Draft EIR
- D. Final EIR & Revised Appendix J
- E. Access and Road Exhibit
- F. Marshall Easement/Deed Correspondence
- G. CEQA Findings of Fact and MMRP