

**STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION**

Resolution
No. 2020-015

A Resolution approving Certificate of Compliance No. 2019-175 and Lot Line Adjustment No. 2020-053, Yosemite Conservancy and YF Real Estate Holdings, LLC, applicants. Assessor Parcel Numbers 006-150-002, 006-130-048, 006-120-027 and 006-120-031.

WHEREAS, an application for Certificate of Compliance No. 2019-175 was received on the 11th day of November 2019 and an application for Lot Line Adjustment No. 2020-053 was received on the 21st day of April 21 2020 from Yosemite Conservancy and YF Real Estate Holding, LLC for property located at two (2) unassigned addresses and 7472 and 7484 Henness Ridge Road, also known as Assessor Parcel Numbers 006-150-002 (Parcel 1), 006-130-048 (Parcel 2, Certificate of Compliance parcel) 006-120-027 (Parcel 3) and 006-120-031 (Parcel 4); and

WHEREAS, Lot Line Adjustment No. 2020-053 proposes to adjust the boundary between APNs 006-150-002 (existing 31.96 acres, proposed 11.28 acres), 006-130-048 (existing 5.2 acres, proposed 13.59 acres), 006-120-027 (existing 0.26 acre, proposed 5.23 acres) and 006-120-031 (existing 0.23 acre, proposed 7.33 acres); and

WHEREAS, these applications are being processed concurrently pursuant to County Code Section 17.08.210; and

WHEREAS, Parcels 1,2,3 and 4 are located in the Planning Study Area land use and the Rural Residential zone, which establishes a 2.5 acre minimum when a community sewer system is available and Parcels 3 and 4 are considered to be legally established non-conforming in size; and

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

WHEREAS, pursuant to County Code Section 16.12.030.C and Section 16.32.050, the approval authority for a certificate of compliance application and a lot line adjustment applications is the Planning Director; and

WHEREAS, due to unusual nature of this application, including the large adjustment area, maintenance district issues, zoning and General Plan land use designations, based on the anticipated public interest in this project, staff referred this item to the Planning Commission for action as allowed by County Code Section 2.52.180.E; and

WHEREAS, Certificate of Compliance No. 2019-175 and Lot Line Adjustment No. 2020-053 were scheduled for public hearing at the Planning Commission meeting on the 6th day of November 2020; and

WHEREAS, a Staff Report and environmental determination were prepared pursuant to the California Government Code, Mariposa County Code, and local administrative procedures; and

WHEREAS, the Planning Commission considered all of the information in the public record, including the Staff Report, the Negative Declaration and testimony presented by the applicant.

NOW THEREFORE, BE IT RESOLVED THAT the Planning Commission of the County of Mariposa does hereby approve Certificate of Compliance No. 2019-175 and Lot Line Adjustment No. 2020-053.

BE IT THEREFORE BE IT FURTHER RESOLVED THAT the projects are approved based upon the ability of the Commission to make all of the required findings required by State Law and County Code. The Commission's findings for approval are set forth in Exhibit 1 of this Resolution. Exhibit 2 contains the required conditions of approval and processing conditions to complete the lot line adjustment.

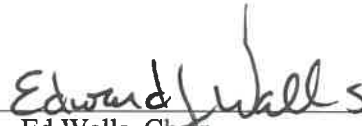
ON MOTION BY Commissioner Sweeney, seconded by Commissioner McCamman, this resolution is duly passed and adopted this 6th day of November 2020 by the following vote:

AYES: MCCAMMAN, SWEENEY, WALLS

NOES: NONE


EXCUSED: HERMAN, HARRIS

ABSTAIN: NONE



Ed Walls, Chair
Mariposa County Planning Commission

Attest:



Carol Suggs, Secretary to the
Mariposa County Planning Commission

EXHIBIT 1

Recommended Findings for Certificate of Compliance No. 2019-175

The parcel was created as a "Remainder" of a subdivision map filed in 1967 less those portions transferred separately in 1971 (recognized by Certificate of Compliance) (Section 16.04.030 Subdivision Ordinance). APN 006-130-048 is a portion of property resulting from the Yosemite West Subdivision Unit No. 1, as delineated on Survey Map, recorded August 1, 1967 as Map No. 1511, MCR. Although these remaining portions were not technically "remainders" (they were not labeled as such on the map), they were the remaining property retained by the subdividers, following the subdivision. The Subdivision Map Act does not require that remainders be shown on the recorded map. This certificate of compliance parcel was in different ownership than APN 006-150-002, when a certificate of compliance was issued to APN 006-150-002.

Recommended Findings for Lot Line Adjustment No. 2020-053

1. **FINDING:** The lot line adjustment involves four parcels (Parcels 1, 2, 3 and 4). Parcels 1 and 2 currently meet the minimum parcel size standards of the Planning Study Area land use classification and Rural Residential zoning district. Parcels 3 and 4 are non-conforming in size, with the lot line adjustment bringing these parcels into conformance with minimum parcel size standards of the Planning Study Area land use classification and Rural Residential zoning district.

This finding is made in accordance with the provisions of Section 17.108.040 of the Mariposa County Zoning Ordinance and Sections 5.3.02.D. and 5.3.05.D. of the Mariposa County General Plan.

2. **FINDING:** The lot line adjustment involves four adjacent parcels. The adjustment results in land being taken from one parcel and added to adjacent parcels where a greater number of parcels than originally existed is not being created.

This finding is made in accordance with the provisions of Section 66412(d) of the State Subdivision Map Act.

The project, upon compliance with the required conditions, complies with all standards of the Subdivision Map Act, County Code Title 16 (the County Subdivision Ordinance), County Code Title 17 (the County Zoning Ordinance) and the Mariposa County General Plan.

3. **FINDING:** The lot line adjustment will not have a significant effect on the environment. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA and circulated to the State Clearinghouse (State Clearinghouse Number 2020090571). Mitigation measures were not made a condition of the approval of the project. The Negative Declaration and record of project approval is available to the General Public at the Mariposa County Planning Department, 5100 Bullion Street, Mariposa CA.

The proposed lot line adjustment will not add any potential for additional dwelling units or population growth over and above what is allowed to occur in accordance with current zoning on

the parcels, if the lot line adjustment did not occur. The project consists of a lot line adjustment between four parcels. The lot line adjustment will not have a negative effect on the environment, as it does not increase, facilitate or authorize any uses or additional development potential, grading or brush clearance over and above that allowed without the lot line adjustment. The project does not exceed any points of significance (thresholds for determining significant impacts) as established by the EIR certified for the General Plan (SCH Number 2020090571). Additionally, any future development on the project site would have to meet existing regulations, which include the County Code, the Zoning Ordinance, the General Plan, CEQA, and required permits governed by existing adopted standards (building permits, sewage disposal permits, well permits, grading permits, etc.). Therefore, the lot line adjustment will not have the potential to degrade the environment, will not hurt long-term environmental goals, will not contribute to cumulative impacts, and will not cause adverse effects on human beings. The lot line adjustment will not have a negative effect on mandated findings of significance.

EXHIBIT 2

Recommended Conditions for Certificate of Compliance No. 2019-175

(Staff notes regarding the justification for the recommendations are included in italicized type.)

1. A parcel map shall be prepared and recorded for the parcel. The map shall conform to all current surveying standards and requirements.

All costs associated with preparation and review of the parcel map shall be the responsibility of the applicant.

Recordation of a final map was clearly required at the time of the Yosemite West subdivision. Staff is not recommending that the "final" map, which is the map which completes a major subdivision be used, but rather a "parcel" map which is the map which completes a minor subdivision. This is a minor technicality, but there have been issues in the past with the recorder and recordation of final maps for similar situations which don't show 5 or more parcels. What is important is that a map is recorded, surveying is conducted, and the conditions of approval are based upon those which are established for a major subdivision.

Relative to public access easements, the parcel is landlocked and does not have access. A condition requiring the establishment of access to the project site is included.

Staff does not recommend any condition regarding the Department of Real Estate Public Report, although one was required for the Yosemite West subdivision. This is based upon recent staff experience with similar situations, including the subdivision of parcels by the previous subdivider for the Ponderosa Basin Subdivision, adjacent to the original subdivision. The Department of Real Estate was not interested in a public report for a minor subdivision in this situation, especially considering the length of time between the original division and the current division.

This condition may be waived, if Certificate of Compliance No. 2019-175 is completed concurrently with Lot Line Adjustment No. 2020-053.

2. A Soils Report shall be submitted to the Mariposa County Public Work Director and the Mariposa County Planning Director pursuant to applicable requirements of the Subdivision Map Act. At the option of the applicant, the County Subdivision Ordinance Soils Report provisions may also be used. The Soils Report shall be reviewed and approved by the County Engineer prior to parcel map recordation.

This requirement may be waived by the Public Works Director, if he finds that previous soils information for the site or adjacent parcels provides evidence regarding adequacy of the site soils for a residential foundation. The Public Works Director's waiver shall be in writing and submitted to the Planning Director.

There is information in the file about the final soils report for Yosemite West. At the time of the Yosemite West subdivision, there were clearly requirements for soils reports. Waiver provisions are included, because the necessity of detailed site-specific soils information is greater, when there are smaller parcels such as were created for the Yosemite West Subdivision.

3. A declaration 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 declaration shall be as follows:

"This notice is not intended to affect record title interest. All residential buildings, including mobile homes placed on foundations, shall be constructed in compliance with the special foundation requirements stated in the Soils Investigation Report prepared for the _____ subdivision as shown on the Parcel Map for _____, recorded in Parcel Maps at Book ___ Page ___ Mariposa County Official Records, and on file with the County Planning Department. A building permit shall not be issued for residences placed on foundations unless the foundations meet the foundation requirements contained in the Soils Investigation prepared for the subdivision. The foundation requirements must be incorporated in the building plan and permit."

This requirement shall not apply if Condition No. 2 is waived by the Public Works Director.

The purpose of the soils report is to provide information about any special foundation design requirements for future residential development. This is just a disclosure statement.

This condition may be satisfied through the recordation of a Declaration recorded concurrently with and referenced on the Certificate of Compliance for adjusted Parcel 2 to complete Lot Line Adjustment No. 2020-053, if Certificate of Compliance No. 2019-175 and Lot Line Adjustment No. 2020-053 are completed concurrently.

4. A Verification of Taxes Paid Form, acquired no sooner than 30-days prior to the recordation of the parcel map, shall be submitted to the County Surveyor.

The County Recorder will not allow a map to record if taxes haven't been paid.

This condition will be satisfied through the recordation of Certificates of Compliance to complete the Lot Line Adjustment, if Certificate of Compliance No. 2019-175 and Lot Line Adjustment No. 2020-053 are completed concurrently.

5. An appropriate fuel break or fuel reduction program shall be established along the westerly, southerly and easterly edges of APN 006-130-048. The extent of the fuel break or fuel reduction program shall be established based upon consultation with CALFIRE, however a clear cut is not the intent of this requirement and shall not be the result. The fuel break or fuel reduction program may be on the project parcel or off-site, if written authorization (and a recorded easement) is obtained from the adjacent property owner. This condition does not establish any requirement (implied or otherwise) for removal of vegetation on National Park Service property. The purpose of the fuel break or fuel reduction program is to provide an area between the wildland / developed land interface which provides reduced fuels to retard the speed of an approaching wildland fire and to create more defensible space for firefighters. All work done to remove trees and vegetation shall be conducted during non-nesting periods. A minimum setback of 50 feet from any drainage on-site shall be maintained, and no vegetation removal shall occur within the drainage setback area unless a qualified biologist is on-site during the fuel reduction work to authorize removal of non-riparian vegetation within the setback area. If removal of vegetation within the drainage setback area is performed pursuant to this condition, a written report from the biologist shall be submitted to Mariposa Planning specifying the work performed and the species removed. The report shall be submitted within 20 calendar days of the date of work. Any potential commercial sales resulting from this activity may also be subject to a Timber Harvest Plan through CALFIRE.

This condition is based upon the intent of the original requirement established by the USFS to create a 200 foot wide fuel break for the entire subdivision. However, based upon the record, the fuel break requirement was later modified by the USFS and actually deleted. USFS deleted the requirement based upon the developers work doing hand clearing on steeper slopes and a tractor clearing throughout the subdivision. Some fuel reduction was required; just not the full 200 foot break.

Additionally, USFS is no longer the fire agency with jurisdiction in Yosemite West, so the condition is written to include input from CALFIRE.

Clarification is added to ensure that the result of the work is not a clear cut, which could have adverse visual impacts. Clarification is also added to ensure that vegetation removal is not done during nesting periods. Finally, clarification is included to specify that vegetation removal shall not occur within 50 feet any drainage on-site to protect potential riparian habitat, unless a qualified biologist is on-site during the work.

6. The project applicant shall share in the costs for road maintenance and snow removal activities in Yosemite West. The applicant shall cause the project parcel to join or otherwise establish some method for legal participation in these Special District functions. All costs associated with compliance of this condition shall be the responsibility of the applicant.

The parcel is not required to connect to the Yosemite West community sewer and water services, although it may connect to one or both of the services if the special district has adequate capacity and approves the connections, and if all required processes for the annexation are completed. All costs associated with connection and service, should the applicant elect to connect to the services, shall be the responsibility of the applicant.

Clearly, the applicant for Yosemite West subdivision had to establish a mechanism for maintenance of the roads, sewer and water services, including snow removal. Because these parcels won't connect to the sewer and water services, the responsibility to share in maintenance costs lies just with road maintenance and snow removal. The condition is written with flexibility to enable the applicant to connect to the community systems if capacity is available.

7. Soil profile holes shall be excavated on the parcel to the standards of the County HHSA Environmental Health Unit and in the presence of the County REHS, his authorized representative, or an authorized consultant to verify the feasibility of installing an on-site septic system on the parcel. If the County REHS approves the parcel for septic disposal based on the soil profile holes, a letter from the County REHS stating no additional tests are required and this condition has been fulfilled for that parcel shall be submitted to the County Surveyor. Alternatively, at the discretion of the Lead REHS, soil testing data may be submitted to the HHSA Environmental Health Unit to satisfy this portion of the condition.

If the results of the soil profile holes (or the soil testing data) do not demonstrate to the approval of the County REHS that a conventional septic system can be installed on the parcel, percolation tests and additional soils analysis tests shall be performed on the parcel in accordance with the HHSA Environmental Health Unit rules and regulations. The results of these tests shall be submitted to the Health Unit and be approved by the County REHS prior to recordation of the parcel map. A letter from the County REHS shall be submitted to the County Surveyor stating that approved percolation tests and soils analysis tests have been performed on the parcels. A statement shall be recorded in Official Records concurrently with the parcel map and referenced on the parcel map 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. Approved percolation tests and soils analysis tests have been performed on Parcel ___ as shown on the Parcel Map for ___, recorded in Book ___ of Parcel Maps at Page ___, Mariposa County Records, to verify the feasibility of installing an on-site septic disposal system. A map identifying the location of the approved percolation tests is on file in the County Environmental Health Unit. If an on-site septic system is proposed for a portion of the parcel that has not had approved percolation tests, additional percolation tests and design recommendations may be required.”

Subdivisions were reviewed for adequacy of soils for septic disposal, even in the early 1970s. Because the major subdivision projects from this era all proposed smaller parcels, it is not apparent from review of office files whether or not soil review would have occurred for larger parcels at this time. Staff includes this condition none-the-less, as there is evidence about review of soils for septic disposal purposes during this time period.

If Certificate of Compliance No. 2019-175 and Lot Line Adjustment No. 2020-053 are completed concurrently, this condition may be waived by the County REHS or applied to adjusted Parcel 2. If applied to adjusted Parcel 2, the notice shall be recorded concurrently with and referenced on the Certificate of Compliance for adjusted Parcel 2.

8. Prior to recordation of the parcel map, the applicant will prove to the satisfaction of the Environmental Health Unit that the parcels have a supply of potable water meeting requirements for quantity and quality. Proof is as follows:
- a. an approved connection from an approved public water provider; or

- b. a proposed connection to a shared well which has been pre-approved by the Health Unit; or
- c. a well, for which appropriate permits and inspections have been approved by the Health Unit, has been drilled on the subject property and developed with appropriate casings, and for which improvements may or may not include permanently installed pump equipment; or
- d. a demonstration that there can be a source of water capable of producing a sustained potable water supply with storage of at least 1,000 gallons per twelve (12) hour day per dwelling unit, which will be contained within any combination of (a) a potable water storage tank, and/or (b) a static water supply in the well; or
- e. other satisfactory proof which may consist of a hydrogeological study of the area by a qualified professional and wells drilled prior to sale.

Additionally, if the property is to be served in the future by a well, there will be a requirement to record a disclosure statement 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. Water supplies for residential lands are derived from private wells on Parcel ___ as shown on the Parcel Map for ____, recorded in Book ___ of Parcel Maps at Page ____, Mariposa County Records. Mariposa County groundwater supplies are found in fractures in the bedrock. The costs associated with drilling and developing a private well is highly variable because it is unknown how much or if any additional water can be found on this parcel. There is no guarantee additional potable water supply of adequate quality or quantity can be found or sustained on the parcel shown on this map.”

From review of the Yosemite West files, major subdivisions in the early 1970s were reviewed for proof of water. Whether or not large parcels such as these were required to drill wells is not apparent from this particular file. As with the soils testing for septic disposal, there aren't good files which indicate whether or not large parcels were required to provide proof of water for major subdivisions. Staff includes this condition for discussion purposes none-the-less.

If Certificate of Compliance No. 2019-175 and Lot Line Adjustment No. 2020-053 are completed concurrently, this condition may be applied to adjusted Parcel 2. If applied to adjusted Parcel 2, the notice shall be recorded concurrently with and referenced on the Certificate of Compliance for adjusted Parcel 2.

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

governmental entity. County shall promptly notify the Owner of any claim, action, or proceeding. County will further cooperate in the defense of the action.

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.

This is a condition which is critical as the county is taking action pursuant to the Mariposa County Subdivision Ordinance. Both the Subdivision Ordinance and the Zoning Ordinance currently require this agreement.

10. A declaration 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 declaration shall be as follows:

“This notice is not intended to affect record title interest. Parcel __ as shown on the Parcel Map for ____, recorded in Book ____ of Parcel Maps at Page ____, Mariposa County Records has not been reviewed pursuant to current 2020 Subdivision Ordinance requirements, and is the result of the Planning Commission’s approval of Certificate of Compliance Application No. 2019-175.”

This is constructive notice only, as someone who reviewed a parcel created by a current parcel map may conclude it was created pursuant to current subdivision standards.

This condition is not required if the Certificate of Compliance project is completed concurrently with the Lot Line Adjustment project.

11. A declaration 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 declaration shall be as follows:

“This notice is not intended to affect record title interest. Future residential development on Parcel __ as shown on the Parcel Map for ____, recorded in Book ____ of Parcel Maps at Page ____, Mariposa County Records, shall be required to conform with all applicable SRA Fire Safe Regulations (Public Resource Code 4290 and 4291). Furthermore, the development of the parcel is subject to all applicable *SRA Fire Safe Regulations* and the risk of fire hazards shall be reduced through compliance with Public Resource Code 4291.”

This is just constructive notice.

This condition is not required if the Certificate of Compliance project is completed concurrently with the Lot Line Adjustment project.

12. Prior to recordation of the parcel map, all fees associated with the County’s processing of the map and filing of associated documents shall be paid. The Department of Fish and Game filing fee (\$2,406.75) and the County Clerk fee (\$50) shall be paid within five (5) work-days of the approval of the application, and the parcel map shall not be recorded until this fee is paid. A cashier’s check or money order for \$2,456.75, made payable to Mariposa County, shall be submitted for this fee. (Note to applicant: Without submittal of the fee within five (5) work-days of the approval of the application, Mariposa Planning cannot file the Notice of Determination

with the County Clerk, and the environmental determination is not operative or vested. Also note that fees will increase on January 1, 2021 and the new fees would be applicable for filing after that date.).

This is a requirement of State Law and shall apply regardless of whether or not the projects are completed concurrently. This fee only needs to be paid one time, if the projects are not completed concurrently.

Need access easement condition (which would be waived, if projects completed concurrently).

Recommended Conditions of Approval for Lot Line Adjustment No. 2020-053

1. The proposed access easement shall be 60 feet wide, be created as a non-exclusive public access and public utility easement, or be created as a private access easement for the sole use and benefit of Parcels 1, 2, 3 and 4, and as a public utility easement. This can be completed through the satisfaction of the County Surveyor.
2. The project applicant shall share in the costs for road maintenance and snow removal activities in Yosemite West. The applicant shall cause the project's adjusted parcels to join or otherwise establish some method for legal participation in these Yosemite West Maintenance Services District functions (road maintenance and snow removal). The Covenant to Fund Annual Contribution In lieu of Assessment recorded as Document No. 2103618, MCR is considered an appropriate document (template) to ensure participation in these Yosemite West Maintenance Services District functions. All costs associated with compliance of this condition shall be the responsibility of the applicant.
 - a. Existing Parcel 1 met this condition by the recordation of Document No. 20183875, MCOR. It may be necessary to modify the participation status, as Proposed Parcel 1's acreage (and legal description) changes as a result of the Lot Line Adjustment.
 - b. Proposed Parcel 2 will be required to record a Covenant to Fund Annual Contributions in Lieu of Assessment and pay the same annual fee as lots within the Yosemite West Subdivision. It is noted that a portion of proposed Parcel 2 was previously encumbered by the recordation of Document No. 20183875.
 - c. Proposed Parcel 3 meets this condition as it will be attached to Lot 271 and is encumbered by Document No. 20183875, MCOR. It may be necessary to modify the participation status, as Proposed Parcel 2's acreage (and legal description) changes as a result of the Lot Line Adjustment.
 - d. Proposed Parcel 4 meets this condition as it will be attached to Lot 275 and is encumbered by Document No. 20183875, MCOR. It may be necessary to modify the participation status, as Proposed Parcel 2's acreage (and legal description) changes as a result of the Lot Line Adjustment.

The adjusted parcels are not required to connect to the Yosemite West Maintenance District sewer and water services and the inclusion of the adjusted area into the district for road maintenance does not imply or grant any right, now or in the future, to district sewer and water services.

This condition shall be met prior to recordation of Certificates of Compliance to complete the lot line adjustment.

3. The following disclosure statement shall be placed on the Certificate of Compliance for adjusted Parcels 3: “A 0.26-acre portion of this parcel is within the Yosemite West Maintenance District (YWMD) and a 4.97-acre portion of this parcel is outside of the YWMD. No connections to or use of connections to the YWMD water and sewer services are currently available or currently allowed for any development of or uses on the 4.97-acre portion of this parcel which is outside of the district boundaries. Any future water or sewer needs for development of or uses on the 4.97-acre portion of this parcel which is outside of the YWMD will need to be provided on-site through the use of a private well and on-site septic disposal system.”
4. The following disclosure statement shall be placed on the Certificate of Compliance for adjusted Parcels 4: “A 0.23-acre portion of this parcel is within the Yosemite West Maintenance District (YWMD) and a 7.1-acre portion of this parcel is outside of the YWMD. No connections to or use of connections to the YWMD water and sewer services are currently available or currently allowed for any development of or uses on the 7.1-acre portion of this parcel which is outside of the district boundaries. Any future water or sewer needs for development of or uses on the 7.1-acre portion of this parcel which is outside of the YWMD will need to be provided on-site through the use of a private well and on-site septic disposal system.”
5. Because portions of the subject parcels (existing Parcel 3: APN 006-120-027 and existing Parcel 4: APN 006-120-031) are located within the Yosemite West Sewage Treatment Assessment District, the landowners must submit and pay for an Application for Assessment Apportionment. The fees and application must be submitted to the Mariposa County Treasurer-Tax Collectors Office. If it is not required, a letter from the Mariposa County Treasurer-Tax Collectors Office stating that it is not required shall be submitted to the Planning Department.
6. The Property Owner (Owner) shall indemnify, protect, defend, and hold harmless the County, and any agency or instrumentality thereof, and officers, officials, employees, or agents thereof, from any and all claims, actions, suits, proceedings, or judgments against the County, or any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof to attack, set aside, void, or annul, any approval of the County, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the County, concerning the project and the approvals granted herein. Actions concerning the project and approvals granted shall include, but not be limited to, the environmental determination made pursuant to the California Environmental Quality Act (CEQA). Furthermore, Owner shall indemnify, protect, defend, and hold harmless the County, or any agency or instrumentality thereof, against any and all claims, actions, suits, proceedings, or judgments against another governmental entity in which Owner’s project is subject to that other governmental entity’s approval and a condition of such approval is that the County indemnify and defend such governmental entity. County shall promptly notify the Owner of any claim, action, or proceeding. County will further cooperate in the defense of the action.

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.

7. All fees associated with the County's processing of Certificate of Compliance No. 2019-175 and Lot Line Adjustment No. 2020-053 shall be paid within sixty (60) days from the date of project approval or billing. No Certificates of Compliance completing shall be recorded until all fees are paid. Additionally, the Department of Fish and Wildlife filing fee (\$2,406.75 as of January 1, 2020, increases January 1, 2021) and County Clerk fee (\$50 as of January 1, 2020) shall be paid by the applicant within five (5) working days of the approval of the application (by Friday November 13, 2020), 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 November 13, 2020 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 \$2,456.75 (effective January 1, 2020, increases January 1, 2021), 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.

This is a requirement of State Law and shall apply regardless of whether or not the projects are completed concurrently. This fee only needs to be paid one time, if the projects are not completed concurrently

Required Steps for Completing the Certificate of Compliance and Lot Line Adjustment

1. **Preparation of Amended Parcel Boundary Descriptions (APPLICANT'S RESPONSIBILITY):**

A land surveyor or other qualified individual must provide the County Surveyor (Department of Public Works, 4639 Ben Hur Road, Mariposa 95338) with typed, stamped and signed legal descriptions describing the amended parcels (descriptions that include and exclude the transfer pieces). The County Surveyor requests that copies of the lot closure computations (with acreage) be supplied with the descriptions to validate the content of the descriptions.

2. **Review of Legal Descriptions (COUNTY SURVEYOR'S RESPONSIBILITY):**

When the descriptions are provided to the County Surveyor, they must be reviewed by him for accuracy. When the County Surveyor approves the legal description, he will provide the recordable legal descriptions to the Planning Department.

3. **Payment of Taxes (APPLICANT'S RESPONSIBILITY):**

As required by the County Tax Collector and the Assessor/Recorder, a Verification of Taxes Paid Form allowing recordation of a Certificate of Compliance must be submitted to Mariposa Planning for all parcels involved in the Lot Line Adjustment. In general, taxes on the subject parcels must be paid in advance for the current tax year before the Assessor/Recorder can map the change and assign new Assessor Parcel Numbers. The Tax Collectors Office should be contacted directly [(209) 966-2621] for more information and the amount which will need to be paid. The Tax Collector's Office should provide a Verification of Taxes Paid Form allowing Recordation of Certificates of Compliance for each parcel to Mariposa Planning. The Assessor/Recorder will not allow the recordation of the Certificates of Compliance without this form.

4. Completion of All Conditions of Approval (APPLICANT'S RESPONSIBILITY):

All conditions placed upon the approval of Lot Line Adjustment No. 2020-053 shall be completed by the applicant. All costs associated with complying with the conditions shall be the responsibility of the applicant.

5. Payment of Recording Fees (APPLICANT'S RESPONSIBILITY):

Prior to recordation of the Certificates of Compliance, the applicant shall submit a check (made payable to the Mariposa County Recorder) based upon the recording fees as determined by Mariposa Planning.

6. Recordation of Certificates of Compliance (MARIPOSA PLANNING RESPONSIBILITY):

Mariposa Planning will record the Certificates of Compliance for all parcels involved in the lot line adjustment. **This step completes the Lot Line Adjustment.** The Certificate of Compliance confirms that the adjusted parcel was created legally and is eligible for development permits. A copy of the final recorded certificates of compliance will be mailed to the applicant(s) a few weeks following the recordation.).