

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

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STATE OF CALIFORNIA  
COUNTY OF MARIPOSA  
PLANNING COMMISSION

Resolution

No. 2013-001

**A resolution conditionally approving Conditional Use Permit No. 2012-120, Lynn Ferry, applicant. Assessor Parcel Number 005-140-011.**

WHEREAS an application for a Conditional Use Permit was received on July 30, 2012 from Lynn Ferry for a property located at 8692 Bull Creek Road in the Coulterville area of Mariposa County, also known as Assessor Parcel Number 005-140-011, and

WHEREAS the Conditional Use Permit application proposes a guest ranch on a 169± acre parcel, and

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

WHEREAS on September 24, 2012 the applicant formally modified the Conditional Use Permit application to reduce the number of proposed guests, and

WHEREAS a duly noticed public hearing was scheduled for the 25th day of January, 2013; and

WHEREAS the Planning Department prepared environmental documents in accordance with the California Environmental Quality Act and local administrative procedures; and

WHEREAS a Staff Report and Mitigated Negative Declaration were prepared pursuant to the California Government Code, Mariposa County Code, California Environmental Quality Act, and local administrative procedures; and

WHEREAS the Planning Commission did hold a public hearing on the noticed date and considered all of the information in the public record, testimony presented by the public concerning the application, and the comments of the applicant; and

WHEREAS Section 17.112.010 of the Mariposa County Zoning Ordinance identifies the Mariposa County Planning Commission as the final county review authority for this application;

NOW THEREFORE, BE IT RESOLVED THAT the Planning Commission of the County of Mariposa does hereby adopt a Mitigated Negative Declaration ; and

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby approve CUP No. 2012-120; and

BE IT THEREFORE FURTHER RESOLVED THAT the project is approved based upon the findings set forth in Exhibit 1 with the terms and conditions set forth in Exhibit 2.

BE IT FINALLY RESOLVED THAT project mitigation measures will be monitored as shown in Exhibit 3.

ON MOTION BY Commissioner Harris, seconded by Commissioner Harter, this resolution is duly passed and adopted this 25th of January, 2013 by the following vote:

AYES: Harris, Harter, Rudzik, Becker, and Marsden

NOES: None

EXCUSED: None

ABSTAIN: None



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Les Marsden, Chair  
Mariposa County Planning Commission

Attest:



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Judy Mueller, Secretary to the  
Mariposa County Planning Commission

**EXHIBIT 1**  
**PROJECT FINDINGS**  
**FOR**  
**CONDITIONAL USE PERMIT NO. 2012-120**

1. **FINDING:** Adequate open space is provided by this proposal. (§17.112.040.A, Mariposa County Zoning Code)

**EVIDENCE:** The proposed guest ranch will disturb less than 1 percent of the 169 acre parcel. Adequate open space is provided.

2. **FINDING:** The site is physically suited for the proposed development. (§17.112.040.B, Mariposa County Zoning Code)

**EVIDENCE:** Based on the site inspection and the scale of the project as proposed, the applicant will be able to locate the proposed improvements entirely onsite while meeting all County requirements for setbacks, roadways, septic systems, and environmental restrictions.

3. **FINDING:** Adequate provisions have been made for sewage disposal and the handling of solid waste. (§17.112.040.C, Mariposa County Zoning Code)

**EVIDENCE:** The Health Department will be required to permit any sewage disposal methods and the handling of solid waste. A Condition of Approval requires that all requirements of the Health Department be met for wastewater disposal and solid waste accumulation and disposal.

Trash containers within the project site will be required to be “bear-proof” in accordance with Chapter 8.44, Title 8, Health and Safety, Mariposa County Code.

4. **FINDING:** The proposed development will have adequate potable water for public use and fire protection. (§17.112.040.D, Mariposa County Zoning Code)

**EVIDENCE:** The guest ranch is subject to all state and local codes and statutes relating to the provision of domestic water. A condition of approval will ensure that all requirements of the Health Department for domestic water be met.

5. **FINDING:** The project proposal complies with all standard and special setback requirements and adequate buffers have been provided for adjacent land uses. (§17.112.040.E, Mariposa County Zoning Code)

**EVIDENCE:** Project structures will be required to meet all setbacks and this will be reviewed during the building permit process. The project site is located in the midst of several thousand acres of Stanislaus National Forest land and the site is secluded from and a significant distance from residential development close to the project site. The site is adequately buffered from other adjacent land uses in the general vicinity that may be sensitive to the operation of the guest ranch.

6. **FINDING:** Appropriate access is available or is proposed to the development. (§17.112.040.F, Mariposa County Zoning Code)

**EVIDENCE:** The project will be accessed through Bull Creek Road, a county-maintained road. Public Works did not have any concerns or objections to the project, including with regards to access.

7. **FINDING:** The proposed use is consistent with the policies and standards of the general plan and any applicable specific plan. (§17.112.040.G, Mariposa County Zoning Code)

**EVIDENCE:** The project is located in the General Forest zone and the Natural Resources land use classification. Guest ranches are conditional uses in the General Forest zone. This project will operate under a conditional use permit and, therefore, will be consistent with the site's zoning. The project site is not governed by a specific plan.

8. **FINDING:** The project as approved will not have a significant effect on the environment, or the significant impacts have been eliminated or substantially lessened, or it has been determined that the significant effects are unavoidable and acceptable due to overriding concerns. (§17.112.040.H, Mariposa County Zoning Code)

**EVIDENCE:** An initial study was prepared for this project and this study found that the implementation of mitigation measures will reduce potentially significant impacts to biological, cultural resources, and emergency response plans to less than significant levels. Mitigation to be implemented at the construction phase of the project will reduce potentially significant impacts on biological resources and cultural resources to less than significant levels. The project will not have a significant effect on the environment.

9. **FINDING:** The establishment, maintenance, or operation of the use applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort, or general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the county. (§17.112.040.I, Mariposa County Zoning Code)

**EVIDENCE:** The proposed guest ranch has the potential to be detrimental to the health, safety, morals, comfort, or general welfare of persons living on property adjacent to the camp. The project will not be injurious or detrimental to the general welfare of the county. The site will be physically isolated from additional residential uses located closest to the project site. The site is also surrounded mostly by thousands of acres of Stanislaus National Forest.

10. **FINDING:** The extension of time to implement the approved site plan from three to six (6) years is necessary and will not be detrimental to the public health, safety, and welfare.

**EVIDENCE:** The extension of time for project implementation is necessary due to the fact that the development of Phase 2 the guest ranch will rely on the success of Phase 1. The applicant has stated that Phase 2 will be implemented within six years. An extension of time for project implementation will not be detrimental to the public health, safety, and welfare. All of the regulations for the guest ranch development, conditions of approval, and mitigation measures, which are designed to ensure that the guest ranch meets all public health and safety requirements, will remain in effect irrespective of the time frames for development.

***EXHIBIT 2***  
***CONDITIONS OF APPROVAL AND MITIGATION MEASURES***  
***FOR***  
***Conditional Use Permit No. 2012-120***

**Project Applicant: Lynn Ferry**

**File Number: CUP No. 2012-120**

**Project Approval Date: January 25, 2013**

The following conditions of approval and mitigation measures are proposed for this project in order to ensure compliance with all applicable codes and policies and the findings of the initial study prepared for the project.

1. Conditional Use Permit No. 2012-120 is approved for: A Guest Ranch to educate visitors in such issues as small scale vegetable farming, sustainable timber management, traditional arts related to the farming communities in the history and stewardship of the region, and other similar activities. There are 2 proposed phases: Phase 1 is to add to the existing 2 bedroom, 1 bath house of approximately 750 sq feet creating a 4 bedroom, 3 bath house of approximately 2000 sq feet and accommodating up to 10 visitors. Gravel parking is proposed for up to 10 vehicles. The operation will run 200 days per year (or less) and serve 3 meals a day and will be primarily used during late spring through early fall. If Phase 1 is successful, Phase 2 will be implemented (all permits issued) within 6 years and will be a separate lodging facility of similar size with necessary infrastructure (up to 1,999 square feet lodge structure with a gravel parking lot) for a maximum of 10 additional guests. In addition to the owners, a maximum of 2 employees are anticipated (based on the expansion). (Project Description; Mariposa Planning Recommendation)
2. Minor amendments to the total square footages of the structures may be approved by the Planning Director provided that any expansion does not exceed 10% of the approved total square footages, and provided a finding can be made that the modification does not create impacts which were not addressed in the original project approval. Expansion beyond the 10% threshold, as well as any expansions of occupancy, shall require a formal amendment to the conditional use permit. The addition of outdoor uses not expressly permitted under these conditions of approval and not similar in nature to approved uses shall be subject to approval by the Mariposa County Planning Director who may require an amendment to the Conditional Use Permit if a finding is made that the outdoor uses may create impacts not reviewed or addressed by this Conditional Use Permit. (Section 17.112.050, Title 17; Mariposa Planning Recommendation)
3. The development of the site and the location of structures and uses shall be in substantial conformance to the site plan that was reviewed and approved by the Planning Commission. (Mariposa Planning Recommendation)

4. This project is approved on January 25, 2013. This approval shall expire on January 25, 2019. If the conditions of approval are not completed and the project is not fully implemented by January 25, 2019 (all permits issued) the applicant may request one time extension of up to eighteen (18) months. The applicant must make this request in writing prior to January 25, 2019. (Mariposa Planning Recommendation)
5. The on-site parking areas shall be graveled with a minimum of two inches of gravel and shall be maintained in that condition for the life of the project. Parking spaces provided to comply with Title 24 shall comply with applicable surfacing standards. (Mariposa Planning Recommendation)
6. Prior to the commencement of any grading on the project site, 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 prior to the initiation of grading activities. (Mariposa Planning Recommendation)
7. All structures shall be located a minimum of twenty five (25) feet from all property lines. (Mariposa Planning Recommendation).
8. All exterior lighting installed on site related to the operation of the guest ranch must comply with the International Dark Sky Association standards. (Mariposa Planning Recommendation).
9. Prior to commencing operation of the guest ranch, the project applicant shall submit a complete application for a Transient Occupancy Tax (TOT) Certificate for each lodging structure and shall meet all applicable requirements. A TOT Certificate shall be issued before any units are rented to the public. (Mariposa Planning Recommendation)
10. At the time of construction, the applicant will apply the current California Fire Code adopted by Mariposa County for all fire requirements. (Mariposa County Fire Recommendation)
11. Prior to commencing operation of the guest ranch or project construction, the applicant shall meet all requirements of the Health Department regarding food service, water, wastewater disposal, and solid waste accumulation and disposal. Prior to providing meals to any guests, the applicant shall obtain a food facility permit from the Health Department. (Mariposa County Health Department Recommendation)
12. Signage shall comply with signage requirements contained in Section 17.108.190, Title 17, Mariposa County Zoning Ordinance. No offsite advertising signs are permitted by County Code. (Section 17.108.190, Title 17, Mariposa County Zoning Code)

13. The project proponent shall be required to prepare and obtain approval of a Timber Harvesting Plan in accordance with State Forest Practice Rules if timber is removed from the site and sold commercially. The project proponent may be required to obtain a timberland conversion permit from Cal Fire for the project. The applicant shall contact Cal Fire prior to submitting the TOT application to determine if this permit is required. (Mariposa Planning Recommendation)
14. All fees associated with the County's processing of the Conditional Use Permit and filing of associated documents shall be paid within five (5) working days from the date of project approval. The Department of Fish and Game filing fee (\$2,156.25 as of January 1, 2013) and County Clerk fee (\$50 as of January 1, 2013) shall be paid by the applicant within five (5) working days of the approval of the application (by Friday, February 1, 2013), 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, February 1, 2013 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 \$2,206.25 (effective January 1, 2013), and that it be in the form of a cashiers check or money order payable to "Mariposa County." The County Clerk will not accept a personal check for these fees. Submit the check to Mariposa Planning who will file this fee and other required documents with the County Clerk. NOTE: The filing fees are adjusted annually, effective January 1<sup>st</sup> of each year, pursuant to state Fish and Game Code. (California Department of Fish and Game Requirement; Mariposa Planning Recommendation)
15. Prior to issuance of a Building Permit and prior to issuance of a Transient Occupancy Tax Certificate for any onsite structure, all outstanding fees associated with the processing of this application and the review of plans for any subsequent permit, shall be paid. Payments are due within sixty (60) days of billing. (Mariposa Planning Recommendation)
16. 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. (Mariposa Planning Recommendation)

17. Non compliance with any of the conditions of approval for Conditional Use Permit (CUP) No. 2012-120 may be grounds for Planning Commission revocation of the CUP. (Mariposa Planning Recommendation)
18. No construction or disturbance shall occur within 20 feet from the drip line of the elderberry shrubs identified in the Biological Survey conducted for this project. No buildings, septic systems, or grading shall be permitted in this area. If elderberry shrubs are required to be removed for construction, the Conservation Guidelines for the Valley Elderberry Longhorn Beetle published by the United States Fish and Wildlife Service shall be used to mitigate for the loss of the shrubs. A qualified biological consultant shall verify in writing that this has been accomplished prior to the Planning Department signing off on the Building Permit application for the structures to be used in this project. During any construction or grading within 100 feet of the elderberry plants, temporary fences and/or protective barriers shall be placed around the elderberry plants. This measure shall be null and void should the Valley Elderberry Longhorn Beetle (VELB) be de-listed by the United States Fish and Wildlife Service. The setback shall not be required around any and all elderberry bushes that are dead and have no potential to provide habitat for VELB as verified in writing by a qualified biological consultant. The verification shall be submitted to the Mariposa County Planning Department. **(Mitigation Measure 1.d.1)**
19. Any tree removal or pruning on the project site, including dead or broken trees, shall occur between October 1 and January 31, the time-frame which is outside of the normal raptor and general avian breeding season. Should such tree removal occur between February 1 and September 31, a pre-removal survey for active raptor or avian nests shall be conducted by a qualified biologist/botanist no more than 15 days prior to removal. If such nests are found the tree or trees in which nest(s) are located shall not be removed until the young have fledged. The appropriate time for tree removal shall be determined by a qualified biologist/botanist in consultation with the California Department of Fish and Game. The project proponent shall provide the results of any surveys to the Mariposa County Planning Department prior to tree removal. **(Mitigation Measure 4.a.1)**
20. During any construction or grading within 100 feet of oak trees with a diameter at breast height of 12 inches or greater, oak trees meeting this measurement shall be flagged clearly to alert construction crews of their presence and to provide physical protection to the trees. The applicant shall verify in writing that this has been done prior to any building permit applications being signed off by the Planning Department. **(Mitigation Measure 4.c.1)**
21. During grading and/or construction (including for driveways), or any activity that involves ground disturbance necessary to implement the project or conditions of approval, if any signs of prehistoric, historic, archaeological, paleontological resources are evident, all work activity within fifty feet of the find shall stop and

the Mariposa County Planning Department shall be notified immediately. No work shall be done within fifty feet of the find until Planning in consultation with a representative of the American Indian Council of Mariposa County has identified appropriate measures to protect the find and those measures have been implemented by the applicant. Protection measures for the site may include, but not be limited to, requiring the project applicant to hire a qualified archaeologist who shall conduct necessary inspections and research, and who may supervise all further ground disturbance activities and make any such recommendations as necessary to ensure compliance with applicable regulations. In addition to the Planning Department, the Mariposa County Coroner and American Indian Council of Mariposa County shall be notified should human remains be discovered. Representatives of the American Indian Council of Mariposa County shall be requested to be on-site during disturbance and/or removal of human remains. Should any Native American artifact or human remains be discovered, a representative of the American Indian Council of Mariposa County shall be on-site to monitor the remainder of excavation activities. **(Mitigation Measure 4.d.1)**

22. Prior to issuance of a Transient Occupancy Tax Certificate and the project being allowed to host guests as part of the project proposal, the project applicant and/or a person designated by the project applicant who will be on the property when guests are present, shall provide evidence that they are Cardiopulmonary Resuscitation (CPR) and First Aid certified by the National Safety Council or the American Red Cross. The certification shall be kept active by the project applicant or designee for the life of the Conditional Use Permit (project), so that there is always this level of medical response immediately available to guests. **(Mitigation Measure 8.g.1)**
23. A clear disclosure notice, sent prior to or as part of the reservation process, shall be provided to each customer making reservations, that due to the remote nature of the property, emergency response times are delayed and a significant amount of time may pass before emergency personnel are able to reach the property in case of emergency, including a medical emergency. The method and language of the disclosure shall be approved by the Planning Director prior to issuance of a Transient Occupancy Tax Certificate. Evidence that the disclosure is being provided to each guest shall be kept by the project applicant and provided when requested by the Mariposa Planning Department. **(Mitigation Measure 8.g.2)**
24. No construction or disturbance shall occur within fifty (50) feet from the centerline of Bull Creek, which is designed to protect the creek and riparian habitat. No structure or improvements shall be constructed within the open space area except as provided below. A well or wells, water pipes, underground and above ground power lines, fencing, residential driveways paths and other similar structures or improvements may be constructed within the open space area subject to approval by the Planning Director. Consultation with a qualified biological consultant, whose services shall be paid for by the property owner, may be required by the Planning Director in order to make a determination. No removal of vegetation shall be allowed within this buffer, except as determined necessary by CalFire, and except as needed to implement the uses described in this and the following paragraph. No grading shall be allowed within the setback, except as needed to

implement the uses described in this and the following paragraph. This setback area shall be shown on all site plans for building permits submitted to the County.

Construction encroaching into the setback area of or crossing the stream on the project parcel may be subject to a Streambed Alteration Agreement (SAA) with the California Department of Fish and Game. Prior to any grading or construction activities occurring within this setback area the California Department of Fish and Game should be contacted to determine if a State Fish and Game Code Section 1602 Streambed Alteration Notification is required. If required, the owner shall submit the notification and comply with all applicable requirements of Section 1600 et seq. of the State Fish and Game Code.

Depending upon the location and nature of the construction, grading, or disturbance within the buffer area surrounding the creek, the property owner may be required to obtain from the Army Corps of Engineers permitting under Section 404 of the Clean Water Act. This agency shall be contacted prior to initiation of any disturbance to the setback area. If required, this permitting process will require a Section 401 Water Quality Certification from the Regional Water Quality Control Board. Prior to any disturbance the property owner shall also contact the California Department of Fish and Game to determine if a State Fish and Game Code Section 1602 Streambed Alteration Notification is required. If required, the owner shall submit the notification and comply with all applicable requirements of Section 1600 et seq. of the State Fish and Game Code.

Mariposa County is not a party to and does not enforce Section 404 and Section 401 permitting and is not a party to and does not enforce Stream Alteration Agreements. **(Mitigation Measure 4.b.1)**

**EXHIBIT 3**  
**MITIGATION MONITORING**  
**FOR**  
**Conditional Use Permit No. 2012-120**

<b>Mitigation Measure No.</b>	<b>Mitigation Measure</b>	<b>Mitigation Monitoring</b>
<p style="text-align: center;"><b>4.a.1</b></p>	<p><i>No construction or disturbance shall occur within 20 feet from the drip line of the elderberry shrubs identified in the Biological Survey conducted for this project. No buildings, septic systems, or grading shall be permitted in this area. If elderberry shrubs are required to be removed for construction, the Conservation Guidelines for the Valley Elderberry Longhorn Beetle published by the United States Fish and Wildlife Service shall be used to mitigate for the loss of the shrubs. A qualified biological consultant shall verify in writing that this has been accomplished prior to the Planning Department signing off on the Building Permit application for the structures to be used in this project. During any construction or grading within 100 feet of the elderberry plants, temporary fences and/or protective barriers shall be placed around the elderberry plants. This measure shall be null and void should the Valley Elderberry Longhorn Beetle (VELB) be de-listed by the United States Fish and Wildlife Service. The setback shall not be required around any and all elderberry bushes that are dead and have no potential to provide habitat for VELB as verified in writing by a qualified biological consultant. The verification shall be submitted to the Mariposa County Planning Department.</i></p>	<p>The Mariposa County Planning Department will ensure this mitigation measure is followed prior to issuing Building permits for the structures. The property owner(s) and/or their designee shall ensure that any contractors doing work on the project site comply with the above.</p>
<p style="text-align: center;"><b>4.a.2</b></p>	<p><i>Any tree removal or pruning on the project site, including dead or broken trees, shall occur between October 1 and January 31, the time-</i></p>	<p>This mitigation measure will be monitored by the Mariposa County</p>

	<p><i>frame which is outside of the normal raptor and general avian breeding season. Should such tree removal occur between February 1 and September 31, a pre-removal survey for active raptor or avian nests shall be conducted by a qualified biologist/botanist no more than 15 days prior to removal. If such nests are found the tree or trees in which nest(s) are located shall not be removed until the young have fledged. The appropriate time for tree removal shall be determined by a qualified biologist/botanist in consultation with the California Department of Fish and Game. The project proponent shall provide the results of any surveys to the Mariposa County Planning Department prior to tree removal.</i></p>	<p>Planning Department through the site development process.</p>
<p><b>4.b.1</b></p>	<p><i>No construction or disturbance shall occur within fifty (50) feet from the centerline of Bull Creek, which is designed to protect the creek and riparian habitat. No structure or improvements shall be constructed within the open space setback except as provided below. A well or wells, water pipes, underground and above ground power lines, fencing, residential driveways and other similar structures or improvements may be constructed within the open space setback subject to approval by the Planning Director. Consultation with a qualified biological consultant, whose services shall be paid for by the property owner, may be required by the Planning Director in order to make a determination. No removal of vegetation shall be allowed within this buffer, except as determined necessary by CalFire, and except as needed to implement the uses described in this and the following paragraph. No grading shall be allowed within the setback, except as needed to implement the uses described in this and the following paragraph.</i></p> <p><i>Construction encroaching into the setback area of or crossing the stream on the project parcel may be subject to a Streambed Alteration Agreement (SAA) with the</i></p>	<p>These mitigation measures will be monitored by the Mariposa County Planning Department through the Building Permit process.</p>

	<p><i>California Department of Fish and Game. Prior to any grading or construction activities occurring within this setback area the California Department of Fish and Game should be contacted to determine if a State Fish and Game Code Section 1602 Streambed Alteration Notification is required. If required, the owner shall submit the notification and comply with all applicable requirements of Section 1600 et seq. of the State Fish and Game Code.</i></p> <p><i>Depending upon the location and nature of the construction, grading, or disturbance within the buffer area surrounding the creek, the property owner may be required to obtain from the Army Corps of Engineers permitting under Section 404 of the Clean Water Act. This agency shall be contacted prior to initiation of any disturbance to the setback area. If required, this permitting process will require a Section 401 Water Quality Certification from the Regional Water Quality Control Board. Prior to any disturbance the property owner shall also contact the California Department of Fish and Game to determine if a State Fish and Game Code Section 1602 Streambed Alteration Notification is required. If required, the owner shall submit the notification and comply with all applicable requirements of Section 1600 et seq. of the State Fish and Game Code.</i></p> <p><i>Mariposa County is not a party to and does not enforce Section 404 and Section 401 permitting and is not a party to and does not enforce Stream Alteration Agreements.</i></p>	
4.e.1	<p><i>During any construction or grading within 100 feet of oak trees with a diameter at breast height of 12 inches or greater, oak trees meeting this measurement shall be flagged clearly to alert construction crews of</i></p>	<p>The Mariposa County Planning Department will ensure this mitigation measure is followed prior to issuing Building</p>

	<p><i>their presence. The applicant shall verify in writing that this has been done prior to any building permit applications being signed off by the Planning Department.</i></p>	<p>permits for the structures. The property owner(s) and/or their designee shall ensure that any contractors doing work on the project site comply with the above.</p>
<p><b>5.a.1</b></p>	<p><i>During grading and/or construction (including for driveways), or any activity that involves ground disturbance necessary to implement the project or conditions of approval, if any signs of prehistoric, historic, archaeological, paleontological resources are evident, all work activity within fifty feet of the find shall stop and the Mariposa County Planning Department shall be notified immediately. No work shall be done within fifty feet of the find until Planning in consultation with a representative of the American Indian Council of Mariposa County has identified appropriate measures to protect the find and those measures have been implemented by the applicant. Protection measures for the site may include, but not be limited to, requiring the project applicant to hire a qualified archaeologist who shall conduct necessary inspections and research, and who may supervise all further ground disturbance activities and make any such recommendations as necessary to ensure compliance with applicable regulations. In addition to the Planning Department, the Mariposa County Coroner and American Indian Council of Mariposa County shall be notified should human remains be discovered. Representatives of the American Indian Council of Mariposa County shall be requested to be on-site during disturbance and/or removal of human remains. Should any Native American artifact or human remains be discovered, a representative of the American Indian Council of Mariposa County shall be on-site to monitor the remainder of excavation activities.</i></p>	<p>This mitigation measure will be monitored by the Mariposa County Planning Department through the project construction process.</p>
<p><b>8.g.1</b></p>	<p><i>Prior to issuance of a Transient Occupancy Tax Certificate and the project being</i></p>	<p>This mitigation measure will be monitored by the</p>

	<p><i>allowed to host guests as part of the project proposal, the project applicant and/or a person designated by the project applicant who will be on the property when guests are present, shall provide evidence that they are Cardiopulmonary Resuscitation (CPR) and First Aid certified by the National Safety Council or the American Red Cross.</i></p>	<p>Mariposa County Planning Department through the permit issuance process.</p>
<p><b>8.g.2</b></p>	<p><i>A clear disclosure notice, sent prior to or as part of the reservation process, shall be provided to each customer making reservations, that due to the remote nature of the property, emergency response times are delayed and a significant amount of time may pass before emergency personnel are able to reach the property in case of emergency, including a medical emergency. The method and language of the disclosure shall be approved by the Planning Director prior to issuance of a Transient Occupancy Tax Certificate. Evidence that the disclosure is being provided to each guest shall be kept by the project applicant and provided when requested by the Mariposa Planning Department.</i></p>	<p>This mitigation measure will be monitored by the Mariposa County Planning Department through the permit issuance process.</p>