

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

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

Resolution
No. 2010-003

A resolution conditionally approving Lot Line Adjustment 2009-127 and Revised Tentative Map 2009-128, Dubberke, Dubberke, and Lawson, applicants. Assessor Parcel Numbers 012-150-001; 012-150-031; 012-150-032; 012-150-034; 015-150-035; 012-150-036; 012-150-039.

WHEREAS a Lot Line Adjustment and a Revised Tentative Map application requesting to amend the number of parcels, the parcel design and parcel acreages for Land Division Application No. 2006-275 was received on August 25, 2009 from Dubberke, Dubberke, and Lawson, LLC, for a property located at an unassigned address on Old Highway in the Mariposa Town Planning Area, at the southeast corner of the intersection of Old Highway and State Highway 140, also known as Assessor Parcel Numbers 012-150-001; 012-150-031; 012-150-032; 012-150-034; 015-150-035; 012-150-036; 012-150-039. 014-010-085; and

WHEREAS Lot Line Adjustment No. 2009-127 proposes to adjust approximately 20.63 acres between Parcel 4 and the Remainder for the Phase I Parcel Map filed for Manzanita Estates; and

WHEREAS Revised Tentative Map No. 2009-128 proposes the division of a 129.37 acre parcel into 3 parcels of 55.27, 15.41 and 58.69 acres; and

WHEREAS a revised project map was submitted on February 5, 2010; and

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

WHEREAS a duly noticed public hearing was scheduled for February 19, 2009; and

WHEREAS Lot Line Adjustment No. 2009-127 is Categorically Exempt from the California Environmental Quality Act per Section 15305(a) of the Public Resources Code; and

WHEREAS the Planning Department prepared environmental documents for Land Division Application No. 2006-275 in accordance with the California Environmental Quality Act and local administrative procedures; and

WHEREAS the Planning Commission adopted a Mitigated Negative Declaration for Land Division Application No. 2006-275, a Notice of Determination was filed with the County Recorder and appropriate fees have been paid to the Department of Fish and Game for such Notice; and

WHEREAS the Planning Commission has determined that the previous environmental determination made for Land Division Application No. 2006-275 was not changed by the request for amended conditions; and

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

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

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby approve Lot Line Application No. 2009-127 and Revised Tentative Map Application No. 2009-128.

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.

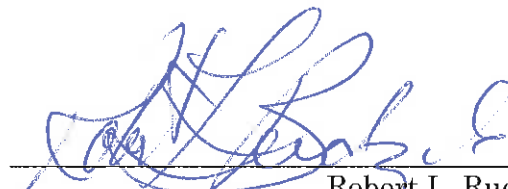
ON MOTION BY Commissioner Francisco seconded by Commissioner Marsden, this resolution is duly passed and adopted this by the following vote:

AYES: Ross, Tucker, Rudzik, Francisco, Marsden

NOES: None

EXCUSED: None

ABSTAIN: None



Robert L. Rudzik, Chair
Mariposa County Planning Commission

Attest:



Judy Mueller, Secretary to the
Mariposa County Planning Commission

EXHIBIT 1
PROJECT FINDINGS
FOR
LOT LINE ADJUSTMENT 2009-127 AND
Revised Tentative Map 2009-128

Pursuant to Mariposa County Zoning Ordinance, Section 16.16.040, the following Findings are made:

Project Findings for Lot Line Adjustment 2009-127

1. The lot line adjustment involves two (2) parcels which in their modified configurations comply with the minimum parcel size standards of the Mariposa Town Planning Area Town Plan land Scenic Resource 20 Acre and the Single-Family Residential-9000 sq. ft. Land Use Classifications and zoning districts, and Title 17 (this finding is made in accordance with the provisions of Section 17.108.040 of the Mariposa County Zoning Ordinance and Section 5.3.02.D of the Mariposa County General Plan).
2. The lot line adjustment involves two existing adjacent parcels. The adjustment results in land being taken from one parcel and added to an adjacent parcel, and 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 subdivision, upon compliance with the required conditions, complies with all standards of the Subdivision Map Act and Title 16 of the County Subdivision Ordinance).
3. The project is a minor lot line adjustment in an area with an average slope of less than 25%. The project will not result in any changes in land use or density, or the creation of a new parcel. Accordingly, the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA). This finding is made in accordance with the provisions of Section 15305(a) of the CEQA Guidelines.
4. The conditions applied to this project are necessary to ensure compliance with Mariposa County Codes and State Laws.

Project Findings for Revised Tentative Map No. 2009-128

Pursuant to Mariposa County Subdivision Ordinance, Section 16.16.040, the following findings have been modified from the approval of the Land Division Application 2006-275 Staff recommends the Planning Commission adopt these findings for Revised Tentative Map No. 2009-128.

1. **FINDING:** The site is physically suitable for the type and density of development.

EVIDENCE: Based on site inspection and the proposed division of the existing parcel into seven lots that are all between twenty and forty, the site is physically suited for low-density homes and appurtenant improvements such as septic systems provided that the conditions of approval regarding the septic systems and approved locations are met. The proposed project is located within the Single Family Residential 9,000 Square Feet, the Single Family Residential ½ Acre, and the Scenic Resource-20 acre primary zones. The project also has the Open Watershed Overlay and Scenic Highway Overlay Zones applied to portions of the project site. The subdivision density is designed in accordance with all of the primary and overlay zones.

2. **FINDING:** The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

EVIDENCE: The Initial Study prepared for the project found that based on the approved project description and the proposed mitigation measures, it would have a less than significant effect on the environment. Mitigation Measures from the Initial Study have been incorporated into the conditions of approval for the project. The land is currently vacant but will be used primarily for residential purposes. The Revised tentative Map does not result in any significant change to the Initial Study and mitigation measures applied. The Revised Tentative Map serves to reduce potential environmental impacts by reducing densities and road improvements. California Department of Fish and Game filing fees for a mitigated negative declaration as required by AB 3158 have been paid.

3. **FINDING:** The design of the subdivision or the proposed improvements is not likely to cause serious public health problems.

EVIDENCE: This land division and its subsequent use for low-density residential purposes are not likely to cause serious health problems. Future residential uses will be required to comply with all Building Code regulations and Health Department standards for the proper installation of wells and sewage disposal systems. The proper location and implementation of these improvements will ensure that serious health problems will not occur on the site.

4. **FINDING:** The proposed map is consistent with applicable general and town plans as specified in Government Code Section 65451.

EVIDENCE: The proposed subdivision is in conformance with the Town Planning Zoning. The proposed subdivision is also in conformance with the policies, goals and standards of the Town Plan, including the supplemental regulations and standards for the division of property in the Mariposa Town Planning Area.

5. **FINDING:** The design or improvement of the proposed subdivision is consistent with applicable general and specific plans.

EVIDENCE: The minimum lot size proposed by the project is consistent with standards contained in the Mariposa Town Plan and the Zoning Ordinance, and the supplemental regulations and standards for divisions in the Mariposa Town Planning Area. The land division's design complies with the County Subdivision Ordinance's maximum 4:1 length to width ratio for parcel configuration.

6. **FINDING:** The design of the subdivision or type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

EVIDENCE: The project will not conflict with any public easement. Lots 2 through 8 all have access to Old Highway by way of proposed easement roads, but the project has been designed in such a way that public easements are not affected. No additional encroachments from any parcel fronting on Old Highway will be granted. Affected utility companies have reviewed the proposed project and have not objected to the proposal.

7. **FINDING:** This land division application has been processed and reviewed in accordance with standards set forth in the Subdivision Map Act, and Mariposa County Code Title 16, the County Subdivision Ordinance.

EVIDENCE: When the required conditions are met, the project will be in compliance with the Subdivision Map Act and the County Subdivision Ordinance.

8. **FINDING:** A waiver of the road improvement requirements for Wild Peach Road to Parcel 7 is in the public interest and is granted based upon special circumstances.

EVIDENCE: Approving the waiver will minimize impacts to the seasonal drainage. The waiver is granted on the basis that: 1) construction of the easement road or a driveway, at a later date, will reduce potential impacts to the seasonal drainage by reducing grading; 2) construction of cul-de-sac, in the future, will result in a location that better serves and future subdivision design; and 3) any future easement or driveway will still need to comply with Cal Fire, Fire Safe Standards and the County ordinance on grading and road improvements. Reducing impacts to drainages and the placement of a cul-de-sac, at a future date to serve any potential subdivision is in the public interest.

Cal Fire has agreed with the requested waiver on the basis that Wild Peach Road on Parcel 7 would either: 1) Be served by a cul-de-sac if further subdivided; or 2) that the Parcel would be served by a driveway that complies with Cal Fire, Fire Safe Standards.

EXHIBIT 2
PROJECT TERMS, MITIGATION MEASURES, AND CONDITIONS
FOR
LOT LINE ADJUSTMENT 2009-127 AND
Revised Tentative Map 2009-128

**Conditions of Approval for Lot Line
Adjustment 2009-127**

Condition	Monitoring Dept.	Verified Implemented
1. A land surveyor or other qualified individual shall provide the County Surveyor (Jerry Freeman, Department of Public Works, 4639 Ben Hur Road, Mariposa 95338) with a typed, stamped and signed legal description describing the amended Lot Line Adjustment Parcel A (description that includes and excludes the transfer pieces). The County Surveyor requests that copies of all documents referred to in the legal descriptions and copies of the lot closure computations (including error or closure, ratio of precision and acreage) be supplied with copies of the descriptions to validate the content of the descriptions. The County Surveyor will not accept area summary calculations.	County Surveyor	
2. Verification of taxes paid shall be submitted to the Mariposa County Planning Department.	Mariposa Planning	
3. The transfer grant deeds with the legal descriptions that have been reviewed and approved by the County Surveyor in Condition No. 1, shall be recorded by the project applicant. Copies of the recorded grant deeds shall be provided to the Mariposa County Planning Department. This condition will not be required if parcel ownership remains exactly the same.	Mariposa Planning	

<p>4. Any individual Trust Deeds on either individual Lot Line parcel must be modified to reflect the new parcel configurations. Amended trust deeds shall be recorded with legal description(s) that have been reviewed and approved by the County Surveyor. Mariposa Planning shall be provided copies of the recorded amended trust deeds. As an alternative, the applicant may provide reconveyance documents to Mariposa Planning (showing the trust deeds have been paid off).</p>	<p>Mariposa Planning</p>	
<p>5. Mariposa Planning will prepare a Certificate of Compliance for Parcel A of the lot line adjustment, when Condition Numbers 1 through 4 has been complied with. Following preparation of the Certificates, Mariposa Planning will determine the required recording fee for the document and notify the applicant of the required fees. The Recorders fee charge is \$14.00 for the first page and \$3.00 for each additional page for each Certificate of Compliance. The number of pages varies with Certificates of Compliance.</p>	<p>Mariposa Planning</p>	
<p>5. Upon the payment of fees required by Condition No. 4, Mariposa Planning will record the Certificates of Compliance for Parcel A involved in the lot line adjustment concurrently with (immediately prior to) the filing of the Final Map for Phase II.</p>	<p>Mariposa Planning</p>	

Project Conditions for Revised Tentative Map 2009-128

<p>1. The extension of the road easement within Phase II, referred to as Primrose Lane, from Phase I to its termination at the Parcel 5/6 property boundary shall be made 60 feet wide and non-exclusive. A cul-de-sac easement with a radius of 60 feet shall be provided to encompass the required cul-de-sac improvements at the boundary of Parcels 5 and 6 as shown on the Tentative Map. 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 on the final map that the dedications are for "public road and utility purposes."</p> <p>§16.20.130, County Subdivision Ordinance; Road Standard Cross-sections, Road Improvement and Circulation Policy.</p>	<p>Public Works</p>	
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<p>2. The road easement, referred to as Wild Peach Road 2, from the intersection of Old Highway to its termination at the Parcel 7 property boundary shall be made 60 feet wide and non-exclusive. 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 on the final map that the dedications are for "public road and utility purposes."</p> <p>§16.20.130, County Subdivision Ordinance; Road Standard Cross-sections, Road Improvement and Circulation Policy.</p>		
<p>3. If determined necessary by the County Surveyor, a variable width dedication of a minimum of 30 feet from the centerline of Old Highway shall be offered to the County of Mariposa. The offer of dedication shall be non-revocable and shall specifically state on the final map that the dedication is for "public road and utility purposes." The location and width of the offer of dedication shall be approved by the County Engineer. The offer of dedication shall include all dedication required to encompass the existing slopes (cuts and fills plus the 5' of free board).</p> <p><i>Staff Note: This condition may have already been met by the Phase I Parcel Map</i></p> <p>§16.12.150, County Subdivision Ordinance; Section II.A.3, Road Improvement and Circulation Policy</p>	<p>Public Works</p>	
<p>4. An encroachment permit shall be obtained from the Mariposa County Public Works Department prior to any work being done on or adjacent to Old Highway. In addition, 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 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.</p> <p>Chapter 11, County Improvement Standards</p>	<p>Public Works</p>	
<p>5. The road within the onsite easement referred to as Primrose Lane from Old Highway to the cul-de-sac at the boundaries of Parcels 5 and 6 shall be improved to a Rural Class I A SRA standard and shall meet this standard at the time of parcel map recordation. Paving shall be required on grades that exceed 12%. The required road improvements shall be completed in accordance with the Road Improvement and Circulation Policy and the County Improvement Standards and shall be approved by the County Engineer at the time of the recordation of the parcel map. The County Engineer may require engineered improvement plans</p>	<p>Public Works</p>	

<p>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 improvement.</p> <p>§16.12.170, County Subdivision Ordinance; Chart A and Section II.D.2.a, Road Improvement and Circulation Policy.</p>		
<p>6. The continuation of Road improvements within the Wild Peach Road easement road, from the current termination point to Parcel 7, is waived at this time. Such waiver is permitted by the Road Improvement and Circulation Policy when special circumstances warrant and the waiver or reduction is in the public interest. If Parcel 7 is further subdivided, road improvements can be required at that time. If a building permit is applied for prior to any further subdivision, a driveway will be constructed in accordance with county codes and Cal Fire, Fire Safe Standards within the proposed easement.</p> <p>To provide constructive notice for a future property owner, a declaration shall be recorded with the final map and shall be referenced on the final map for Parcel 7 which reads:</p> <p>“Further subdivision of Parcel 7 as shown on the Final Map for _____, filed in Book of Maps at Page _____, Mariposa County Records,” will require the extension of the Wild Peach Road easement road and road improvements onto Parcel 7, with the construction of a cul-de-sac or other turn around as approved by Cal Fire and Public Works. Construction of a driveway within the easement road, for the residential use of Parcel 7, will be required to meet Cal Fire, Fire Safe Standards and the requirements of the County Grading Ordinance”</p> <p>§16.12.170, County Subdivision Ordinance; Chart A and Section II.D.2.a, Road Improvement and Circulation Policy.</p>	<p>Public Works</p>	
<p>7. A cul-de-sac shall be constructed at the terminus of the on-site easement for Primrose Lane at the boundary of Parcel 5 and 6 as shown on the Revised Tentative Map. The cul-de-sac shall be improved to meet county standards and shall meet these standards at the time of final map recordation. The required cul-de-sac improvements shall be completed in accordance with the Road Improvement and Circulation Policy and the County Improvement Standards and shall be inspected and approved by the County Engineer prior to recordation of the final map. If construction of a cul-de-sac is impractical due to the on-site terrain as determined by the County Engineer with the concurrence of CDF, the applicant may request permission to construct a hammerhead T turnaround. Prior to recordation of the final map, the County Surveyor shall confirm that this condition has been met.</p>	<p>Public Works</p>	

<p>8. Access to Parcel 6 shall be limited to the proposed easement for Primrose Lane. No encroachment permits to Old Highway for this parcel will be granted. A declaration shall be recorded with the final map, referenced on the final map, and made appurtenant to Parcel 3. The declaration shall state the following:</p> <p style="padding-left: 40px;">“Approved access for residential development for Parcel 6 as shown on the Final Map for _____, filed in Book of Maps at Page _____ Mariposa County Records is from Primrose Lane.”</p> <p>The County Engineer will confirm that this condition has been complied with prior to map filing.</p> <p>Mariposa County Public Works Requirement</p>	<p>Public Works</p>	
<p>9. All parcels in Phase II shall be required to join the Road Maintenance Association or Zone of Benefit established in Phase I.</p> <p>Public Works Recommendation, Planning Department Recommendation</p>	<p>Public Works</p>	
<p>10. 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 and prior to issuance of any encroachment permit for the required improvements, a consultation meeting with the Public Works Department, the applicant, the agent, and the road contractor shall occur. This meeting shall be conducted onsite. This consultation meeting shall be set up by the applicant and/or agent. 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 road improvement or encroachment permit required for this project and prior to the scheduling of any onsite inspection of road improvements.</p> <p>Public Works Recommendation</p>	<p>Public Works</p>	
<p>11. All grading and road improvement work, including on-site drainage facilities, shall comply with the Mariposa County Improvement Standards and all requirements contained therein. Engineered improvement plans shall be prepared by a Registered Civil Engineer. The engineered improvement plans will be approved by the County Engineer prior to commencement of construction work on the required improvements.</p> <p>Planning Department Recommendation</p>	<p>Public Works</p>	
<p>12. Immediately upon completion of the road and encroachment improvements required as conditions of approval for this project, the applicant shall re-vegetate all exposed soils and install other erosion control as recommended by the Natural Resource Conservation Service/Resource Conservation District (NRCS/RCD). The applicant shall also contact the NRCS/RCD for an inspection. Inspection fees shall be the responsibility of the</p>	<p>Public Works</p>	

<p>application. A letter shall be submitted to the County Surveyor by NRCS/RCD stating that the re-vegetation and erosion control provisions have been completed.</p> <p>Resource Conservation District</p>		
<p>13. All cut and fill areas required for the construction of the proposed access roads shall be included within the access and utility easement pursuant to the County Improvement Standards, which may necessitate a variable width easement greater than 60 feet in width. As an alternative, cut and fill areas located outside of the 60 foot access and utility easement may be located within slope easements. The location, width, and description of the easements shall be approved by the County Engineer.</p>	Public Works	
<p>14. All required signs shall be installed on metal, break-away type posts prior to map recordation. The design and placement of signs shall be approved by the County Engineer prior to installation.</p> <p>Public Works Recommendation</p>	Public Works	
<p>15. A stop sign shall be placed at the intersections of Wild Peach Road, and Primrose Lane at their intersection with Old Highway. Old Highway. The stop sign shall be installed on metal breakaway type posts prior to map recordation. The design and placement of the sign shall be approved by the County Engineer prior to installation.</p> <p>Staff Note: This condition may have already been met by the Phase I Parcel Map.</p> <p>Public Works Recommendation</p>	Public Works	
<p>16. A road name sign for Wild Peach Road and Primrose Lane shall be placed at the intersection of Old Highway prior to map filing. The design and specifications of the sign shall be in accordance with the Mariposa County Improvement Standards and shall be approved by the County engineer prior to installation.</p> <p>Staff Note: This condition may have already been met by the Phase I Parcel Map.</p> <p>§16.12.175, County Subdivision Ordinance</p>	Public Works	
<p>17. A Verification of Taxes Paid Form, acquired no sooner than 30 days prior to the recordation of the final map, shall be submitted to the County Surveyor.</p> <p>§16.12.395, Mariposa County Subdivision Code</p>	Public Works	
<p>18. If the applicant files a Final Map, prior to filing, evidence that the State Department of Real Estate Public Report process has been commenced shall be submitted to the County Surveyor. Completion</p>	Public Works	

<p>of the public report process is not necessary for map recordation, but is necessary prior to lot sale.</p>		
<p>19. A final Soils Report shall be submitted to the County Planning Department as required by Mariposa County Code Subdivision Ordinance, Title 16 §16.20.220 and applicable requirements of the Subdivision Map Act. The Soils Report shall be reviewed and approved by the County Engineer prior to final map recordation.</p> <p>Staff Note: This condition may have already been met by the Phase I Parcel Map.</p>	<p>Public Works</p>	
<p>20. A declaration shall be recorded with the final map and referenced on the final map. The declaration shall state the following:</p> <p>“All residential buildings, including mobile homes placed on foundations on Parcels ___ as shown on the Final Map for _____, filed in Book of Maps at Page _____ Mariposa County Records, shall be constructed in compliance with the special foundation requirements stated in the Soils Investigation Report prepared for the Manzanita Estates Subdivision Phase I 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.”</p>	<p>Public Works</p>	
<p>21. In accordance with Mariposa County Ordinance No. 823, Exhibit A Section 5, drainage easements shall be required on all subdivisions as necessary to ensure safe and unobstructed flows of Storm water runoff. If drainage facilities are required outside of any non-exclusive easements for public road and utility purposes, as required by conditions 1 and 2, additional drainage easements shall be shown on the Final map that encompass any drainage facilities included in the required engineered improvement plans. The easements shall encompass any adjacent area that is necessary for the maintenance of the drainage facilities. The easement locations shall be approved by the County Engineer based upon the engineered improvement plans. The drainage facilities and easements shall be included for maintenance as part of any Road Maintenance Association or Zone of Benefit established for this project.</p> <p>Note: This condition was completed for the filing of the Parcel Map for Phase I.</p>	<p>Public Works</p>	

PHASE II		
CONDITION OF APPROVAL / MARIPOSA PLANNING		
<p>22. Project approval is valid for a period of three years from May 16, 2008. This approval shall expire on May 16, 2013.</p> <p>Note: The approval date is based upon the date the LDA 2006-275 was approved by the Planning Commission. Amended conditions or amended maps do not change the expiration date.</p> <p>§16.12.430, Mariposa County Subdivision Code</p>	Mariposa Planning	
<p>23. The extension of Primrose Lane shall be named the same as the approved road name. The name of the easement shall be shown on the Final Map.</p>	Mariposa Planning	
<p>24. Subdivision Map Act Section 66434.2 applies to the recordation of the final map for this project.</p> <p>Planning Department Recommendation</p>	Mariposa Planning	
<p>25. Prior to issuance of any permit and prior to any construction activity on-site, including clearing, the applicant shall obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit 99-08-DWQ) from the State of California Regional Water Quality Control Board (RWQCB).</p> <p>Staff Note: This condition may have already been met by the Phase I Parcel Map.</p>	Mariposa Planning	
<p>26. The Parcels will be numbered consecutively with no omissions or duplications. The numbers may commence with the number immediately following the last or highest number in Phase I.</p> <p>Section 16.20.120, Title 16 Subdivisions</p>	Mariposa Planning	
<p>27. Lot Line Adjustment No. 2009-127 shall be completed simultaneously with the filing of the Final Map (Certificate of Compliance to be recorded just prior to the filing of the Final Map</p>		
Phase II		
CONDITIONS OF APPROVAL/ MARIPOSA COUNTY HEALTH DEPARTMENT		
<p>28. New subdivision lots will be served by an approved potable water supply. Prior to the filing of a final map for this project, the applicant</p>	Environmental	

<p>will prove to the satisfaction of the Health Department that each new parcel has a supply of potable water meeting requirements for quantity and quality. Proof is as follows:</p> <ol style="list-style-type: none"> 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 Department; or c. a well, for which appropriate permits and inspections have been approved by the Health Department, 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, (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. <p>Additionally, if the property is to be served in the future by a well, there will be a requirement to record a disclosure statement concurrently with and referenced on the final map stating the following:</p> <p style="padding-left: 40px;">“Water supplies for residential lands are derived from private wells on Parcels ___ as shown on the Final Map for ____, filed in Book of 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 these parcels. There is no guarantee additional potable water supply of adequate quality or quantity can be found or sustained on any parcel shown on this map.”</p> <p>§16.20.230.C, Mariposa County Subdivision Code</p>	<p>Health</p>	
<p>29. Percolation tests and soils analysis tests shall be performed on All Parcels in accordance with Health Department rules and regulations regarding engineered systems. The results of these tests shall be submitted to the Mariposa County Health Department and be approved by the County Sanitarian prior to recordation of the final map. A letter from the County Sanitarian shall be submitted to the County Surveyor stating that approved percolation tests and soils analysis tests have been performed on the parcel(s). A statement shall be recorded in Official Records concurrently with the final map and</p>	<p>Environmental Health</p>	

referenced on the final map as follows:

“Approved percolation tests and soils analysis tests have been performed on Parcels _____ as shown on the Final Map for _____, filed in Book of Maps at Page _____ Mariposa County Records, to verify the feasibility of installing an on-site septic disposal system. The tests indicate that special design "Engineered" Septic Systems will be required. A map identifying the location of the approved percolation tests is on file in the County Health Department. If an on-site septic system is proposed for a portion of a parcel that has not had an approved percolation tests, additional percolation tests and design recommendations may be required.”

Additionally, a notice shall be filed concurrently with the final map and referenced on the final map which states:

“The properties described as Parcels _____ as shown on the Final Map for _____, filed in Book of Maps at Page _____ Mariposa County Records, are required to be served by an alternative design on-site sewage disposal system which is to be installed in the exact area tested and approved by the Health Department unless the Health Department approves an alternate location as described below. Construction plans for the alternative design on-site sewage disposal system must be submitted to and approved by the Mariposa County Health Department prior to the issuance of a development permit for any construction activities other than a private well. A map showing the approved location and a report including percolation test and soil profile analysis results is on file at the Mariposa County Health Department. The alternative design on-site sewage disposal system is to be maintained in accordance with Mariposa County Health Department Policy 03-01 which states, “A maintenance entity shall be required prior to approval and installation of a special design sewage disposal system on a land division. In lieu of a public entity, an operation and maintenance protocol may be submitted for approval by the manufacturer of a specific technology.

Said maintenance entity shall be created to provide maintenance on the engineered sewage disposal systems prior to issuance of a development permit for residential construction activities other than a private well.

In the event that additional soils testing is conducted demonstrating that an alternative design on-site sewage disposal system is not necessary, the Mariposa County

<p>Health Department may allow the use of a conventional on-site sewage disposal system in the newly tested area. Any newly tested area requiring the use of an engineered alternative design on-site sewage disposal system must meet the same minimum soils requirements of Health Department policy 03-01 as a newly created parcel.”</p> <p>Mitigation Measure 10 §16.12.330, County Subdivision Ordinance; Health Department Recommendation</p>		
<p>Phase II</p> <p>CONDITIONS OF APPROVAL/CALIFORNIA DEPARTMENT OF FORESTRY & FIRE PROTECTION</p>		
<p>30. Prior to recordation of the final map, all applicable State Fire Safe Regulations shall be met. A letter shall be submitted to the County Surveyor by Cal Fire stating this condition has been met.</p>	<p>Cal Fire</p>	
<p>31. Prior to Final Map recordation, the applicant shall have complied with all applicable SRA Fire Safe Regulations. A document shall be recorded and referenced on the Final Map that states:</p> <p>“Future residential development on Parcels ___ as shown on the Final Map for ____, filed in Book of 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 parcels 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, including the requirement to maintain fire protection or firebreaks within 100 feet from buildings or structures or to the property line unless an alternative mitigation measure is approved by Cal Fire at the time of issuance of a residential building permit”</p> <p>Planning Department Recommendation</p>	<p>Cal Fire</p>	
<p>Phase II CEQA MITIGATION MEASURES</p>		
<p>32. Section 17.326.020 of the Mariposa County Code, Title 17, specifically requires single-family residences in the Scenic Resource 20 Acre Land Use/Zone shall be sited and constructed in accordance with the scenic highway overlay zone standards contained in Chapter 17.65.010.A. No building permit or grading permit shall be issued until a scenic highway review plan has been submitted to and approved by the Planning Director. The Planning Director’s review and approval must find that the Plan complies with all applicable standards of the SHO Zone, and is consistent with the goals, policies and standards of the Mariposa County General Plan. Additionally, the</p>	<p>Mariposa Planning</p>	

<p>ridge top objectives from the Mariposa County General Plan shall be addressed as a condition of approval of the scenic highway review plan. Any future single-family residence will be required to comply with this requirement. To provide constructive notice for future property owners, a declaration shall be recorded with the final map and shall be referenced on the final map for Parcels 5, and 7 which reads:</p> <p>“Parcels _____ as shown on the Final Map for _____, filed in Book of Maps at Page _____, Mariposa County Records, are within the Scenic Highway Overlay Zone of the Title 17, Mariposa County Code. Residential use and development of these parcels is subject to the requirements of Section 17.65 of the Mariposa County Code. The ridge top objectives from the Mariposa County General Plan shall be addressed as a condition of approval of the scenic highway review plan required by Section 17.65 of the Mariposa County Code”</p>		
<p>Mitigation Measure 3, Scenic Highway Overlay Zone</p>		
<p>33. To avoid impacts to the habitat of the Valley elderberry Longhorn beetle and additional riparian habitats onsite, a 100 foot setback, 50 feet on each side of the centerline of each stream as determined by the biological studies to be of significant riparian habitat, will be required along the appropriate length of the intermittent creeks located within Parcels 3, 4, and 6 (as shown on the tentative map). The setback will prohibit future grading and construction activities with the exception of installing and maintaining road crossing structures, drainage facilities, and utilities. The setbacks shall only be shown on the final map filed for Phase II as mitigation to Phase II activities. The project may be subject to a stream alteration permit from the State Department of Fish and Game.</p> <p>To mitigate the loss of habitat associated with endangered, threatened and rare species as a result of project activities on each project Parcel, an open space setback will be required at a 2:1 ratio and must be recorded on the final map for each Parcel in Phase II. The setback will protect the habitat of endangered, threatened and rare species from future ground disturbance activities including grading, construction, and fence installation.</p> <p>Prior to any grading or brushing on the project site for any easement road, driveway, building site, or soils testing, a qualified surveyor shall conduct a site survey to determine the total acreage on each parcel in Phase 1 that has and will be affected by project activities including grading, construction and brush clearance activities. After the total acreage impacted by the project has been determined, a qualified biologist will identify suitable habitat onsite to be protected by the setback that is located outside of the project areas (grading, construction and brush clearance). The proposed setback areas must be mapped and approved by the Planning Director prior to final map filing.</p> <p>As upon feasible, the open space setback shall be configured with the whole project property taken into consideration. The open space setback</p>	<p>Mariposa Planning</p>	

<p>shall be combined and configured, as feasible, to create habitat and movement corridors.</p> <p>The recorded setback shall be shown on the final map filed for the project. A statement shall be recorded in Official Records concurrently with the final map and referenced on the final map as follows:</p> <p style="padding-left: 40px;">“No structure shall be constructed within the open space setback as shown on the Final Map for _____, filed in Book of Maps at Page _____ Mariposa County Records. No portions of a sewage disposal system shall be constructed within the open space setback. No grading shall be allowed within the setback, except that which is necessary for access to building sites or the maintenance or improvements to easement roads, drainage structure or facilities, utilities, and County Maintained Roads. A well or wells, water pipes, underground and above ground power lines, fencing, and other similar structures or improvements may also be constructed within the open space setback subject to approval by the Planning Director. This setback shall be in perpetuity and shall restrict the use of the land within the setback.”</p> <p>Staff Note: This condition was completed and complied with upon the filing of the Parcel Map for Phase I. All open space setbacks and easements have been identified and shown on the Phase I Parcel Map.</p> <p>Mitigation Measure 5</p>		
<p>34. Prior to the initiation of ground disturbing activities associated with compliance with any and all project conditions, and prior to filing of the parcel map, a qualified biologist shall conduct a survey to determine if active raptors are nesting within the parcel boundaries. The survey shall occur during the raptor nesting period between February 15 and September 15. The results of the survey shall be presented to the Mariposa County Planning Department and the CDFG at least one month prior to the initiation of ground disturbing activities to enable adequate time for the CDFG and County to review and approve the survey.</p> <p>If nesting birds are detected within the proposed ground disturbance area, a 150 foot setback shall be established around every nesting tree. Ground disturbance activities will be prohibited within 150 feet of each nesting tree until the completion of the nesting period as reported to the County by the biologist. If nesting raptors are found outside of the ground disturbance area, but within 150 feet of the ground disturbance areas, the location of these nesting trees with a 150 foot buffer will be shown on the Parcel map to prevent future grading and construction activities within the setback. A statement shall be recorded in Official Records concurrently with the parcel map and referenced on the parcel map as follows:</p>	<p>Mariposa Planning</p>	

<p>“No structure shall be constructed within the open space setback as shown on the Final Map for _____, filed in Book of Maps ___ at Page ___, Mariposa County Records. No portions of a sewage disposal system shall be constructed within the open space setback. No grading shall be allowed within the setback. A well or wells, water pipes, underground and above ground power lines, fencing, and other similar structures or improvements may be constructed within the open space setback subject to approval by the Planning Director, as long as grading and construction occur outside of the nesting period (September 16 through February 14) and a CDFG approved biologist has confirmed to CDFG and the Planning Department that the young CSOW have fledged prior to construction activities. The restrictions established for the set back shall be in place and effective until the host tree is no longer used as a nesting site by the raptor as determined by an appropriately qualified biologist.”</p> <p>Mitigation Measure 6</p>		
<p>35. For the preservation and protection of oak woodlands, the applicant has the option to:</p> <p>a. Construct all portions of the access road and cul-de-sac so as to not remove oak trees with a diameter of 5” or greater at breast height.</p> <p>OR</p> <p>b. Prior to recordation of the final map and prior to the scheduling of the on-site pre-construction conference required by Condition No. 10, the applicant shall submit an Oak Tree Identification and Preservation Plan to the Mariposa County Planning Department. This Plan shall show all trees of the genus Quercus both on-site and off-site which are located within fifty feet of the centerline of the on-site easement road and fifty feet of the centerline of the on-site/off-site easement road that are 5” or larger in diameter at breast height, with breast height being 4 ½’ above natural grade. All trees identified as Quercus that will be removed for construction shall be identified on this Oak Tree Site Plan. All oak trees identified for removal on the project site shall be replaced at a ratio of three to one of a like species of oak, minimum of 10-gallon size, purchased from a nursery that has stock compatible for project site conditions, except as described below. This Plan shall be prepared by a certified professional arborist, licensed landscape architect, registered professional forester, qualified botanist, or other qualified professional as approved by the Mariposa County Planning Department. This Plan shall specify maintenance requirements, costs, and procedures to ensure the viability of the replacement trees. If the qualified professional preparing this survey suggests an alternative to replacing the trees to be removed, that alternative suggestion shall be evaluated by the Mariposa County Planning Department and if</p>	<p>Mariposa Planning</p>	

<p>determined to be acceptable by the Planning Director, shall be implemented. If the qualified professional determines that the number of trees removed will not create a significant impact, then that determination together with supporting documentation for this determination shall be presented for the Director’s consideration. This may be presented in lieu of an Oak Tree Identification and Preservation Plan. The Plan shall be completed and approved by the Planning Department prior to scheduling the onsite road construction meeting required as a condition of project approval. This mitigation measure is not intended to reduce the ability of the applicant to conduct necessary brushing work for fire safety.</p> <p>Staff Note: This condition was complied with for the filing of the Phase I Parcel Map.</p> <p>(Planning Department Requirement)</p>		
<p>36. During road grading and/or construction, building pad construction, septic system installation, or any activity that involves ground disturbance, if any signs of prehistoric, historic, archaeological, paleontological, or human remains appear, all work activity within fifty feet of the find shall stop and the Mariposa County Planning Department and Mariposa County Coroner shall be notified immediately. No work shall be done within fifty feet of the archaeological find until Planning has identified appropriate measures to protect the archaeological find and those measures have been implemented by the applicant. Protection measures for the site may include, but not be limited to, requiring the 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 Public Resources Code Section 5097.98.</p> <p>Mitigation Measure 5.d.1</p>	<p>Mariposa Planning</p>	
<p>37. Based upon the Scenic Resource Zone requirements, and other matters related to potential significant impacts from large cuts and fill, erosion, and drainage, an engineering improvement plan is necessary for this project. This engineered plan is required as mitigation to potential significant impacts of the project. The County Road Improvement and Circulation Policy And County Improvement Standards provide for an engineered plan to include specific requirements for erosion control and drainage.</p> <p>Portions of the project site are within the OWO Zone. While grading is not specifically prohibited, the intent of the OWO Zone is to prevent erosion and the silting of the water reservoir for the Mariposa Public Utility District (MPUD) which lies northeast of the project site. Grading in the OWO zone should be minimized, and appropriate erosion control measures, as outlined above, shall be incorporated in the engineered</p>	<p>Mariposa Planning</p>	

<p>improvement plan to ensure that the MPUD reservoir is protected.</p> <p>No grading will be allowed in the OWO zone until the engineered improvement plan has been approved by the County Engineer/</p> <p>Mitigation Measure 9</p>		
<p>38. The action plan to mitigate potential impacts from dust and diesel fumes agreed to by the applicant and approved by the County for Phase I shall be implemented for all grading activity in Phase II.</p>	<p>Health Department</p>	
<p>Staff Note: For the RTM, the requirements of the original Condition No. 39 have been incorporated into Condition No. 29 for consistency and clarity. With the addition to Condition No. 29, Condition No. 39 was no longer necessary.</p>		
<p>39. Prior to the recordation of the map, all mining excavations located on the project site shall be fenced or covered properly as required by the Health and Safety Code. The location and type of the fence or covering shall be approved by the Health Department. Upon completion, the installation shall be approved by the Health Department. A letter stating that this condition has been met from the Health Department shall be provided to the County Surveyor prior to the recordation of the map.</p> <p>Staff Note: This condition was complied with for the filing of the Phase I Parcel Map. Subsequent vandalism has reopened one of the portals and replacement of the covering is necessary.</p> <p>Mitigation Measure 11</p>	<p>Health Department</p>	
<p>RECOMMENDATION ON OFFERS OF DEDICATION</p>		
<p>Staff recommends that the Planning Commission recommend that the Public Works Director accept the offer of dedication for public access, utilities, and maintenance for the offer for dedication on Old Highway within the project site.</p> <p>Mariposa Planning Recommendation</p>	<p>Public Works</p>	
<p>Staff recommends that the Planning Commission recommend that the Public Works Director accept the offer of dedication for public access and utilities, but reject the offer for public maintenance of the onsite easement roads.</p> <p>Mariposa Planning Recommendation</p>	<p>Public Works</p>	

Agency Contact List				
AGENCY	CONTACT	PHONE NUMBER	SITE ADDRESS	MAILING ADDRESS
		EMAIL		
Mariposa Planning	Larry Enrico	209-742-1222 lenrico@mariposacounty.org	5100 Bullion Street Mariposa CA 95338	P.O. Box 2039 Mariposa CA 95338
Public Works	Jerry Freeman	209-966-5356	4639 Ben Hur Road Mariposa CA 95338	Same as site
Health Department	Dave Conway	209-966-2220	5100 Bullion Street Mariposa CA 95338	P.O. Box 5 Mariposa CA 95338
Regional Water Quality Control Board	JoAnne Kipps	559-445-5035	1685 E Street Fresno CA 93706	Same as site
Mariposa County Resource Conservation District	Dawn Afman	209-966-3431	5009 Fairgrounds Rd Mariposa CA 95338	P.O. Box 746 Mariposa CA 95338
County Assessor	Becky Crafts	966-2332	4982 10th Street Mariposa CA 95338	P.O. Box 35 Mariposa CA 95338
County Fire	Jim Wilson	209-966-4330	5082 Bullion Street Mariposa CA 95338	P.O. Box 162 Mariposa CA 95338
Cal Fire	Matt Watson	209-966-3622	5366 Highway 49 North Mariposa CA 95338	Same as site

