

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

---

STATE OF CALIFORNIA  
COUNTY OF MARIPOSA  
PLANNING COMMISSION

Resolution

No. 2013-008

**A resolution conditionally approving Land Division Application No. 2006-226; John Boggs, applicant. Assessors Parcel Number 014-550-003.**

WHEREAS an application for a land division was received on July 13, 2006 from John Boggs for a property located at 5368 Oak Road in the Midpines area, at the intersection of Yosemite Oaks Road and Oak Road, also known as Assessor Parcel Number 014-550-003; and

WHEREAS the project was deemed complete as of August 13, 2006 pursuant to Government Code Section 65943 and is consequently subject to the 1981 General Plan; and

WHEREAS the project proposes the division of a 35.68 acre parcel into four parcels of 5± acres each and a Remainder of 15 + acres; and

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

WHEREAS Yosemite Oaks Road is a narrow county maintained road; and

WHEREAS in November 2007, based on comments received from Cal Fire and a field meeting between the applicant's agents, Public Works, and Cal Fire a proposal to make improvements to Yosemite Oaks Road was received; and

WHEREAS in January of 2008 the applicant was informed of several outstanding requirements for further processing of the application, which included a biological resources survey and a cultural resources survey; and

WHEREAS in March of 2008 staff responded to the November 2007 proposal of improvements and informed the applicant that easements would need to be obtained in order to make the proposed improvements to Yosemite Oaks Road; and

WHEREAS in May of 2008 the applicant was informed that a portion of the property was within the Open Watershed Overlay, which requires a 20 acre minimum parcel size; and

WHEREAS in September of 2008 an application for a zoning amendment was submitted to remove the Open Space Watershed Overlay from the property as none of the property drains into the Stockton Creek watershed; and

John Boggs, applicant.  
Page 2 of 21 pages

---

WHEREAS in June 2009, Zoning Amendment No. 2008-158, removing the Open Watershed Overlay designation from the property was completed; and

WHEREAS in November 2012 the agent for the applicant requested that Cal Fire review their comments regarding the project from 2006; and

WHEREAS in December of 2012 Cal Fire provided updated comments that did not require off-site improvements to Yosemite Oaks Road; and

WHEREAS in December of 2012 processing of the application commenced again; and

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

WHEREAS a duly noticed public hearing was scheduled for the 7<sup>th</sup> day of June 2013; and

WHEREAS a Staff Report and Initial Study 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 scheduled date and considered all of the information in the public record, including the Initial Study and Staff Report, testimony presented by the public concerning the application, and the comments of the applicant and the applicant's agents.

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

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby approve Land Division Application No. 2006-226.

BE IT FINALLY 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 Harter , seconded by Commissioner Becker, this resolution is duly passed and adopted this 7<sup>th</sup> day of June 2013 by the following vote:

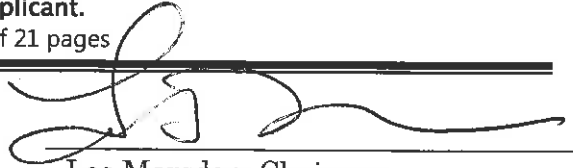
AYES: Harter, Becker, and Marsden

NOES: None

EXCUSED: Rudzik and Harris

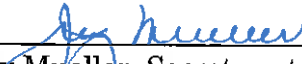
ABSTAIN: None

John Boggs, applicant.  
Page 3 of 21 pages



Les Marsden, Chairman  
Mariposa County Planning Commission

Attest:

  
\_\_\_\_\_  
Judy Mueller, Secretary to the  
Mariposa County Planning Commission

**EXHIBIT 1**  
**PROJECT FINDINGS**  
**FOR**  
**Land Division Application No. 2006-226**

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

**EVIDENCE:** Based on site inspection, comments from Cal Fire dated November 26, 2012 (received December 10, 2012) and the proposed division of the existing parcel into four parcels and a remainder of greater than five acres each, it can be found that the on-site characteristics of the site are 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, and on-site access roads are met. The proposed project is located within the Mountain Home zone and Land Use Classification. The subdivision density is designed in accordance with the Mountain Home zone and classification.

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, it would have a less than significant effect on the environment. This project is limited in its scope, and is consistent with surrounding development. The site has access to a county-maintained road and limited grading will be necessary to comply with access requirements for the subdivision. The project is subject to the California Department of Fish and Game filing fees of (\$2,156.25) for a negative declaration as required by California Fish and Game Code §711.4(d)(4) and a County Clerk fee of (\$50).

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

**EVIDENCE:** Based on consideration of agency input, it can be found that this land division and its subsequent use for low-density residential purposes is 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 on the parcels and remainder. The proper location and implementation of these improvements through the required permit processes will ensure that serious health problems will not occur on the site. All future residential uses will be required to comply with the State Fire Safe Standards as mandated by California Public Resource Code Sections 4290 and 4291, which will eliminate any on-site potential health and safety issues related to fire protection.

4. **FINDING:** The proposed map is consistent with applicable general (Mariposa County General Plan, 1981) and specific plans as specified in Government Code Section 65451.

**EVIDENCE:** This project was submitted on July 13, 2006. On August 13, 2006, this application was deemed complete for processing pursuant to Government Code Section 65943. Consequently, this project has been processed and reviewed in accordance with the 1981 Mariposa County General Plan (not the current General Plan). This project is consistent with the 1981 General Plan.

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

**EVIDENCE:** This project was submitted on July 13, 2006. On August 13, 2006, this application was deemed complete for processing pursuant to Government Code Section 65943. Consequently, this project has been processed in accordance with the 1981 Mariposa County General Plan. The minimum parcel size proposed by the project is consistent with standards contained in the 1981 General Plan and the Zoning Ordinance. The land division's design complies with the County Subdivision Ordinance's maximum 4:1 length to width ratio for parcel configuration. The project site is not in an area governed by a Specific Plan. Upon compliance with the recommended conditions prior to recordation of the parcel map, the parcels will have been conditioned to ensure adequate access on-site and adequate areas on-site for an engineered sewage treatment system.

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. The project will cause no permanent conflict with public access rights. Affected utility companies have reviewed the proposed project and have not objected to the proposal.

John Boggs, applicant.  
Page 6 of 21 pages

**EXHIBIT 2**  
**CONDITIONS OF APPROVAL**  
**FOR**  
**Land Division Application No. 2006-226**

**Project Name: Boggs                      File Number: LDA No. 2006-226**

**Project Approval Date: June 7, 2013**

The following conditions of approval and mitigation measures were approved for this project in order to ensure compliance with county codes and policies, and to mitigate identified environmental impacts to a level of insignificance. A completed and signed checklist indicates that the conditions and mitigation measures have been complied with and implemented, and fulfills the County of Mariposa’s Mitigation Monitoring requirements with respect to Assembly Bill 3180 (Public Resources Code Section 21081.6)

| <b>Sign-Off Checklist for List of Conditions of Approval and Mitigation Measures</b>   |                  |                      |
|--|------------------|----------------------|
|  | Monitoring Dept. | Verified Implemented |
| Project Description  |                  |                      |
| Land Division Application No. 2006-226 proposes to divide a 35.68 acre parcel into 4 parcels of 5± acres each and a Remainder of 15+ acres.  |                  |                      |
| <b>CONDITIONS OF APPROVAL / PUBLIC WORKS DEPARTMENT</b>  |                  |                      |
| 1. The easement road from Oak Road to the cul-de-sac on Parcel A shall be made 60 foot wide and non-exclusive. A turnaround easement with a minimum radius of 50 feet shall be provided to encompass the required turnaround improvements. Additional easement width may be required to encompass the required road and turnaround improvements, including turnouts and associated cuts and fills, in accordance with the County Improvement | Public Works     |                      |

John Boggs, applicant.  
Page 7 of 21 pages

|  |              |  |
|--|--------------|--|
| <p>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 irrevocable and specifically state the dedications are for "public road and utility purposes."</p> <p>(Section 16.12.160.B, County Subdivision Ordinance; Road Standard Cross-sections, Road Improvement and Circulation Policy)</p>  |              |  |
| <p>2. A variable width dedication of a minimum of 30 feet from the centerline of Yosemite Oaks Road and Oak Road shall be offered to the County of Mariposa. The offer of dedication shall be irrevocable and non-exclusive specifically state 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.</p> <p>(Section 16.12.150, County Subdivision Ordinance; Section II.A.3, Road Improvement and Circulation Policy)</p>   | Public Works |  |
| <p>3. The easement from Oak Road to the cul-de-sac on Parcel A shall be improved to a Rural Class I SRA standard and shall meet this standard at the time of parcel map recordation. The intersection of the on-site easement road and the on-site/off-site easement road shall be constructed at as close to a 90 degree angle as possible or as approved by the County Engineer. 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 recordation of the parcel map. 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>(Section 16.12.170, County Subdivision Ordinance; Chart A and Section II.D.2.a, Road Improvement and Circulation Policy)</p> | Public Works |  |
| <p>4. A cul-de-sac shall be constructed at the terminus of the required road improvements at the intersection of Parcels A, B and the Remainder as shown on the tentative (parcel) map. The cul-de-sac shall be improved to meet county standards and shall meet these standards at the time of parcel map recordation. The required cul-de-sac improvements shall be completed in accordance with the</p>   | Public Works |  |

|   |              |  |
|---|--------------|--|
| <p>Road Improvement and Circulation Policy and the County Improvement Standards and shall be inspected and approved by the County Engineer at the time of recordation of the parcel map. At the time of recordation of the parcel map, the County Engineer shall confirm that this condition has been met.</p> <p>(Section 11.4(B)(9) County Improvement Standards)</p>   |              |  |
| <p>5. An encroachment permit shall be obtained from the Mariposa County Public Works Department prior to any work being done on or adjacent to Oak Road. 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>  | Public Works |  |
| <p>6. Access to Parcels B and D shall be limited to the proposed onsite easement road. No further encroachment permits to Yosemite Oaks Road and Oak Road for these parcels will be granted. A declaration shall be recorded with the parcel map and referenced on the parcel, or the declaration shall be included on an additional map sheet which indicates its relationship to the parcel map. The declaration shall be made appurtenant to parcels B and D. The declaration shall state the following:</p> <p style="padding-left: 40px;">“This notice is not intended to affect record title interest. Approved access for residential development of Parcels B and D, as shown on the Parcel Map for _____, is from <b><i>(easement road name)</i></b>, and no additional encroachments shall be granted to these parcels from Yosemite Oaks Road and Oak Road.”</p> <p>The County Engineer will confirm that this condition has been met prior to map recordation.</p> <p>(Public Works Recommendation)</p> | Public Works |  |



John Boggs, applicant.  
Page 9 of 21 pages

|  |                     |  |
|--|---------------------|--|
| <p>7. 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, the road contractor, and shall occur. Any and all costs associated with the consultation shall be the responsibility of the applicant. The County engineer shall verify that this condition has been met prior to issuance of any encroachment permit required for this project and prior to the scheduling of any on-site inspection of road improvements.</p> <p><i>Because the soils in the area of this Land Division are known to the Health Department to be challenging for the installation of on-site sewage disposal systems it is advised that Condition No. 24 be satisfied prior to the on-site consultation meeting.</i></p> <p>(Public Works and Mariposa Planning Recommendation)</p> | <p>Public Works</p> |  |
| <p>8. Immediately upon completion of the required road and encroachment improvements, the applicant shall re-vegetate all exposed soils and install other erosion control as recommended by the Resource Conservation District (RCD). The applicant shall also contact the RCD for an inspection. Inspection fees shall be the responsibility of the applicant. A letter shall be submitted to the County Surveyor by RCD stating that the re-vegetation and erosion control provisions have been completed prior to the recordation of the parcel map.</p> <p>(Road Improvement and Circulation Policy; County Improvement Standards)</p>   | <p>Public Works</p> |  |
| <p>9. All required signs shall be installed on metal, break-away type posts. The design and placement of signs shall be approved by the County Engineer prior to installation.</p> <p>(Public Works Department Recommendation)</p>   | <p>Public Works</p> |  |
| <p>10. A stop sign shall be placed at the intersection of the on site easement and Oak Road. The stop sign shall be installed on metal breakaway type posts prior to map recordation. The design and placement of signs shall be approved by the County engineer prior to installation.</p> <p>(Section 11.5 (D) 1 (b), County Improvement Standards)</p>  | <p>Public Works</p> |  |

|  |                     |  |
|--|---------------------|--|
| <p>11. (If easement road is not accepted by the County for maintenance,) a sign stating "THIS ROAD IS NOT COUNTY MAINTAINED" shall be installed at the intersection of the easement road and Oak Road. The design and specifications of the sign shall be in accordance with the County Improvement Standards.</p> <p>(Section III.A.4, Road Improvement and Circulation Policy)</p>   | <p>Public Works</p> |  |
| <p>12. A road name sign for the on-site easement road shall be placed at the intersection of the easement road and Oak Road. The design and specifications of the sign shall be in accordance with the Mariposa County Improvement Standards.</p> <p>(Section 16.12.175, County Subdivision Ordinance).</p>  | <p>Public Works</p> |  |
| <p>13. A road maintenance association shall be formed to provide for the maintenance of the on-site easement road. Maintenance shall include, but not be limited to, drainage and erosion control devices, fuel modification, and upkeep of road surfaces. The Road Maintenance Association provisions shall be developed by the applicant so those parcels served by the easement roads shall be responsible for road maintenance. These provisions shall be reviewed and approved by the County Engineer prior to recordation of the parcel map and shall:</p> <ul style="list-style-type: none"> <li>a. Be in effect for the life of the project unless said maintenance is taken over by the County, a special district, or other governmental entity.</li> <li>b. Provide for annual maintenance and the immediate correction of emergency and hazard situations.</li> <li>c. Include 100% of the parcels in the subdivision served by the access roads.</li> <li>d. Provide a mechanism for the road maintenance association to collect delinquent payments or assessments for the maintenance described above by filing a lien on the delinquent properties.</li> <li>e. Provide a mechanism for new parcels to be added to the association.</li> </ul> | <p>Public Works</p> |  |

John Boggs, applicant.  
Page 11 of 21 pages

|  |                   |  |
|--|-------------------|--|
| (Public Works Department Recommendation; Section II.I, Road Improvement and Circulation Policy)  |                   |  |
| 14. A Verification of Taxes Paid Form, acquired no sooner than 30 days prior to the filing of the parcel map, shall be submitted to the County Surveyor.<br><br>§16.12.395, Mariposa County Subdivision Code   | Public Works      |  |
| <b>CONDITION OF APPROVAL / MARIPOSA PLANNING</b>   |                   |  |
| 15. Project approval is valid for a period of three years from June 7, 2013. This approval shall expire on June 7, 2016.<br><br>§16.12.430, Mariposa County Subdivision Code   | Mariposa Planning |  |
| 16. The on-site easement road shall be named in accordance with the criteria of County Resolution No. 92-541. A Road Name Request application shall be submitted to the Planning Department and be approved by the Planning Director. The name of the road shall be shown on the parcel map.<br><br>County Resolution No. 92-541   | Mariposa Planning |  |
| 17. 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 (\$2,156.25) and County Clerk fee (\$50) shall be paid by the applicant within five (5) working days of the approval of the application (by Friday, June 14, 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, June 14, 2013 the environmental determination is not operative, vested, or final (Section 21089(b) Public Resources Code).<br>The County Clerk requires that one check be submitted to cover both of these fees, for a total of \$2,206.25, 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.<br><br>§16.12.390, Mariposa County Subdivision Code | Mariposa Planning |  |
| 18. 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   | Mariposa Planning |  |

John Boggs, applicant.

Page 12 of 21 pages

|   |                                       |  |
|---|---------------------------------------|--|
| <p>annul, any approval of the County, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the County, concerning the project and the approvals granted herein. Actions concerning the project and approvals granted shall include, but not be limited to, the environmental determination made pursuant to the California Environmental Quality Act (CEQA). Furthermore, Owner shall indemnify, protect, defend, and hold harmless the County, or any agency or instrumentality thereof, against any and all claims, actions, suits, proceedings, or judgments against another governmental entity in which Owner's project is subject to that other governmental entity's approval and a condition of such approval is that the County indemnify and defend such governmental entity. County shall promptly notify the Owner of any claim, action, or proceeding. County will further cooperate in the defense of the action.</p> <p>An 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.</p> <p>§16.36.030, Mariposa County Subdivision Ordinance</p> |                                       |  |
| <p>19. Any tree removal or pruning on the project site, including dead or broken trees, should 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. 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.</p> <p>Fish and Game Code Section 3503, 3503.5, and 3511; Department of Fish and Wildlife Recommendation</p>   | <p>Mariposa Planning/Public Works</p> |  |
| <p>20. During road grading, soil testing and/or construction, or any activity that involves ground disturbance necessary to implement project 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 has identified appropriate measures to protect the find and those</p>  | <p>Mariposa Planning/Public Works</p> |  |

John Boggs, applicant.  
Page 13 of 21 pages

|  |                             |  |
|--|-----------------------------|--|
| <p>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 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.</p> <p>1981 Mariposa County General Plan Policies 12.600 B-H; Mariposa Planning Recommendation, Cultural Resources Survey Recommendation</p> |                             |  |
| <p>21. Subdivision Map Act Section 66434.2 applies to the filing of the parcel map for this project.</p> <p>(Planning Department Recommendation)</p>   | <p>Mariposa Planning</p>    |  |
| <p>22. A declaration shall be recorded with the parcel map and shall be 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:</p> <p>“This notice is not intended to affect record title interest. A Certificate of Compliance must be obtained prior to issuance of any county development permit (including, but not limited to a well permit, a septic permit, a grading permit, an electrical permit, and/or a structure permit) on the designated Remainder as shown on the Parcel Map for ____, in accordance with Section 16.04.030 of Mariposa County Code. ”</p> <p>(Section 16.04.030, County Subdivision Ordinance; Planning Department Recommendation)</p>  | <p>Mariposa Planning</p>    |  |
| <p>23. The Remainder shall be shown on the Parcel Map in order to implement the conditions of approval.</p> <p>Planning Department Recommendation</p>  | <p>Mariposa Planning</p>    |  |
| <p><b>CONDITIONS OF APPROVAL/ MARIPOSA COUNTY HEALTH DEPARTMENT</b></p>  |                             |  |
| <p>24. Percolation tests and soils analysis tests shall be performed on Parcels A, B, C, and D in accordance with Health Department rules and regulations and Health Department Policy 03-01. A report</p>   | <p>Environmental Health</p> |  |

John Boggs, applicant.  
Page 14 of 21 pages

meeting the requirements of Health Department Rules and Regulations shall be submitted to the Mariposa County Health Department and be approved by the County Environmental Health Director prior to recordation of the parcel map (Remainder testing may be deferred until a certificate of compliance is applied for). A letter from the County Environmental Health Director shall be submitted to the County Surveyor stating that approved percolation tests and soils analysis tests have been performed on the parcel. If the Health Department approves the use of Standard Septic Systems then 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 final / 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 Parcels \_ and \_ as shown on the Parcel Map for \_\_\_\_, 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 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.”

If the Health Department approves the report based on the use of special design or engineered septic systems then 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 final / parcel map. The statement shall be as follows:

“This notice is not intended to affect record title interest. Percolation tests and soils analysis tests show that conventional on-site sewage disposal systems cannot be constructed on Parcel(s) \_\_ as shown on the Parcel Map for \_\_\_\_\_, based upon limiting soil conditions; however, the test results meet the Health Department Land Division policy requirements for use of engineered, alternative design on-site sewage disposal systems. The State of California is in the process of developing Statewide on-site sewage disposal regulations that could affect the future installation of engineered, alternative design on-site sewage disposal systems; therefore, buyers are encouraged to check with the Mariposa County Health Department regarding State or local regulation changes that could affect the installation of an on-site

sewage disposal system on this parcel.

Additionally, a notice shall be filed 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 notice shall state:

“This notice is not intended to affect record title interest. The property described as Parcel \_\_ as shown on the Parcel Map for \_\_\_\_\_, is 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 issued by the manufacturer of a specific technology may be submitted for approval along with a fully executed contract to perform maintenance and service with a Health Department approved maintenance and service provider.” 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 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.”

Any parcel or lot not meeting the criteria outlined in Health Department Policies and/or rules and regulations shall be merged

|  |                                  |  |
|--|----------------------------------|--|
| <p>with one or more of the adjoining parcels or lots.</p> <p><i>Because the soils in the area of this Land division are known to the Health Department to be challenging for the installation of on-site sewage disposal systems the Health Department recommends that this condition be met prior to any other condition.</i></p> <p><i>The Remainder may be added to the above language if the testing is complete prior to parcel map recordation.</i></p> <p>(Section 16.12.330, County Subdivision Ordinance; Health Department Recommendation)</p>   |                                  |  |
| <p>25. The applicant shall obtain a land development Burn Permit from the Mariposa County Air Pollution Control District prior to lighting any fires to dispose of brush, grass, trees and other flammable debris generated during ground clearing activities associated with compliance with the conditions outlined for this project.</p> <p>(Air Pollution Control District Recommendation / Regulations)</p>   | <p>Environmenta<br/>l Health</p> |  |
| <p><b>CONDITIONS APPLICABLE TO THE REMAINDER</b></p>   |                                  |  |
| <p>26. Upon completion of all conditions applied to the Remainder, a Certificate of Compliance shall be recorded on the Remainder, in accordance with Section 16.04.030, County Subdivision Ordinance. Fees associated with the recordation of the certificate of compliance shall be paid by the applicant.</p> <p>(Section 16.04.030 County Subdivision Ordinance, Section 66424.6.(d) Subdivision Map Act)</p>  | <p>Mariposa<br/>Planning</p>     |  |
| <p>27. The easement from Oak Road to the cul-de-sac on Parcel A shall be improved to a Rural Class I SRA standard and shall meet this standard at the time of certificate of compliance recordation. The intersection of the on-site easement road and the on-site/off-site easement road shall be constructed at as close to a 90 degree angle as possible or as approved by the County Engineer. 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 recordation of the parcel map. 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</p> | <p>Public Works</p>              |  |



|  |                   |  |
|--|-------------------|--|
| <p>to commencement of construction work on the required road improvements.</p> <p>(Section 16.12.170, County Subdivision Ordinance; Chart A and Section II.D.2.a, Road Improvement and Circulation Policy)</p>   |                   |  |
| <p>28. A cul-de-sac shall be improved at the terminus of the required road improvements at the intersection of Parcels A, B and the Remainder as shown on the tentative (parcel) map. The cul-de-sac shall be improved to meet county standards and shall meet these standards at the time of certificate of compliance 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 at the time of recordation of the parcel map. At the time of recordation of the parcel map, the County Engineer shall confirm that this condition has been met.</p> <p>(Section 11.4(B)(9) County Improvement Standards)</p>   | Public Works      |  |
| <p>29. Soil profile holes shall be excavated on the Remainder to the standards of the County Health Department and in the presence of the County Environmental Health Specialist, his authorized representative, or an authorized consultant to verify the feasibility of installing an on-site septic system on the parcels. If the County Environmental Health Specialist approves the parcels for septic disposal based on the soil profile holes, a letter from the County Environmental Health Specialist stating no additional tests are required and this condition has been fulfilled for that parcel shall be submitted to the Planning Department.</p> <p>If the results of the soil profile holes do not demonstrate to the approval of the County Environmental Health Specialist that a conventional septic system can be installed on the parcel(s), percolation tests and additional soils analysis tests shall be performed on the parcel(s) in accordance with Health Department rules and regulations. The results of these tests shall be submitted to the Mariposa County Health Department and be approved by the County Environmental Health Specialist prior to recordation of the Certificate of Compliance. A letter from the County Environmental Health Specialist shall be submitted to the Planning Department stating that approved percolation tests and soils analysis tests have been performed on the Remainder. If the Health Department approves the use of Standard Septic Systems then a statement shall be included on the face of the Certificate of Compliance. The</p> | Health Department |  |

John Boggs, applicant.

Page 18 of 21 pages

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 the Remainder as shown on the Parcel Map for \_\_\_\_\_, 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 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.”

If the Health Department approves the report based on the use of special design or engineered septic system then a statement shall be on the face of the Certificate of Compliance. The statement shall be as follows:

“This notice is not intended to affect record title interest. Percolation tests and soils analysis tests show that conventional on-site sewage disposal systems cannot be constructed on the Remainder as shown on the Parcel Map for \_\_\_\_\_, based upon limiting soil conditions; however, the test results meet the Health Department Land Division policy requirements for use of engineered, alternative design on-site sewage disposal systems. The State of California is in the process of developing Statewide on-site sewage disposal regulations that could affect the future installation of engineered, alternative design on-site sewage disposal systems; therefore, buyers are encouraged to check with the Mariposa County Health Department regarding State or local regulation changes that could affect the installation of an on-site sewage disposal system on this parcel.

Additionally, if the Health Department approves the report based on the use of a special design or engineered septic system a notice shall be included on the face of the Certificate of Compliance. The notice shall state:

“This notice is not intended to affect record title interest. The Remainder as shown on the Parcel Map for \_\_\_\_\_, is 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

|  |                     |  |
|--|---------------------|--|
| <p>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.</p> <p>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 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>Because the soils in the area of this Land division are known to the Health Department to be challenging for the installation of on-site sewage disposal systems the Health Department recommends that this condition be met prior to any other condition.</p> <p>(Section 16.12.330, County Subdivision Ordinance; Health Department Recommendation)</p> |                     |  |
| <p>30. Upon completion of the required road improvements for the Remainder, the applicant shall revegetate all exposed soils and install other erosion control as recommended by the Resource Conservation District RCD. The applicant shall also contact NRCS/RCD for an inspection. Inspection fees shall be the responsibility of the applicant. A letter shall be submitted to the County Surveyor by RCD stating that the revegetation control provisions have been completed prior to the filing of the Certificate of Compliance for the Remainder.</p> <p>(Road Improvement and Circulation Policy; County Improvement</p>   | <p>Public Works</p> |  |

John Boggs, applicant.  
Page 20 of 21 pages

|   |              |  |
|---|--------------|--|
| Standards)  |              |  |
|   |              |  |
| <b>RECOMMENDATION ON OFFERS OF DEDICATION</b>   |              |  |
| Staff recommends that the Planning Commission recommend that the Public Works Director reject the offer of dedication for public road purposes and accept the offer of dedication for public utilities. | Public Works |  |
| Mariposa Planning Recommendation  |              |  |

| <b>Agency Contact List</b>                     |                |   |  |                                    |
|--|----------------|---|--|------------------------------------|
| AGENCY   | CONTACT        | PHONE NUMBER                              | SITE ADDRESS                             | MAILING ADDRESS                    |
|  |                | EMAIL                                     |  |                                    |
| Mariposa Planning                              | Alvaro Arias   | 209-742-1218<br>aarias@mariposacounty.org | 5100 Bullion Street<br>Mariposa CA 95338 | P.O. Box 2039<br>Mariposa CA 95338 |
| Public Works                                   | Russell Marks  | 209-966-5356                              | 4639 Ben Hur Road<br>Mariposa CA 95338   | Same as site                       |
| Health Department                              | Dave Conway    | 209-966-2220                              | 5100 Bullion Street<br>Mariposa CA 95338 | P.O. Box 5<br>Mariposa CA 95338    |
| Regional Water Quality Control Board           | JoAnne Kipps   | 559-445-5035                              | 1685 E Street<br>Fresno CA 93706         | Same as site                       |
| Mariposa County Resource Conservation District | Staff          | 209-966-3431                              | 5009 Fairgrounds Rd<br>Mariposa CA 95338 | P.O. Box 746<br>Mariposa CA 95338  |
| County Assessor                                | Sarah Brewster | 966-2332                                  | 4982 10th Street<br>Mariposa CA 95338    | P.O. Box 35<br>Mariposa CA 95338   |
| County Fire                                    | Jim Middleton  | 209-966-4330                              | 5082 Bullion Street<br>Mariposa CA 95338 | P.O. Box 162<br>Mariposa CA 95338  |
| Cal. Dept of Forestry                          | Mark           | 209-966-3622                              | 5366 Highway 49                          | Same as site                       |

John Boggs, applicant.  
Page 21 of 21 pages

---

---

|  |          |  |                            |  |
|--|----------|--|----------------------------|--|
|  | Pimentel |  | North<br>Mariposa CA 95338 |  |
|--|----------|--|----------------------------|--|

**Certificate of Completion:**

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

\_\_\_\_\_  
Environmental Coordinator

\_\_\_\_\_  
Date

***Explanation of Headings:***

---

---

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

Verified Implemented: When a mitigation measure has been implemented