

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

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution

No. 2009-007 **A resolution conditionally approving Lot Line Adjustment 2007-062 and Land Division Application No. 2007-063, Brad and Valerie LeDuc, applicants. Assessor Parcel Numbers 017-390-005 and 008.**

WHEREAS an application for Lot Line Adjustment No. 2007-062 was received on April 3, 2007 from Brad and Valerie LeDuc for a property located at 4290 Buckeye Road, also known as Assessor Parcel Numbers 017-390-005 and 017-390-008; and

WHEREAS an application was also made for Land Division No. 2007-063 which proposes to divide the resultant 25.10 acre parcel into four parcels and a remainder; and

WHEREAS the property is located near the intersection of Buckeye Road and Old Highway; and

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

WHEREAS based on comments received, on June 29, 2007 the Planning Department notified the applicant that Buckeye Road did not meet current minimum road standards required for the volume of traffic that existed on Buckeye Road as well as notifying the applicant that a biological assessment would be required; and

WHEREAS the Planning Department gave the applicant three options on how to proceed with the application; and

WHEREAS the applicant notified the Planning Department to place the application on hold on July 3, 2007 pending the outcome of a program to modify the road standards requirements; and

WHEREAS on September 11, 2007 the Mariposa County Board of Supervisors approved new amended road standards, and

WHEREAS Planning Department staff and Public Works staff conducted a site inspection and determined that the proposed location of the existing encroachment onto Buckeye Road did not meet sight distance requirements, and

WHEREAS on March 26, 2008 the applicant submitted a revised map which moved the location of the proposed encroachment on Buckeye Road, and

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

WHEREAS on June 12, 2008 the applicant submitted a biological assessment for the project; and

WHEREAS on July 22, 2008 modifications were submitted to the biological assessment by ESR, Inc.; and

WHEREAS a revised map was submitted on February 12, 2009 along with a request to reduce the required road improvements for the access road from Buckeye Road to the turnaround on Parcel A to a Rural Class I Standard; and

WHEREAS the Planning Department re-circulated the application to Public Works; and

WHEREAS the Public Works Department stated that they had no issues with reducing the road standards on this specific project; and

WHEREAS a duly noticed public hearing was scheduled for the 8th day of May, 2009; and

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

WHEREAS a Staff Report and an 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 noticed hearing 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.

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

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby approve Lot Line Adjustment 2007-062 and Land Division Application No. 2007-063.

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

ON MOTION BY Commissioner Ross, seconded by Commissioner Tucker, this resolution is duly passed and adopted this 8th day of May, 2009 by the following vote:

AYES: Ross, Tucker, Rudzik, Francisco, Marsden

NOES: None

EXCUSED: None

May 8, 2009

ABSTAIN: None


Robert L. Rudzik, Chair
Mariposa County Planning Commission

Attest:

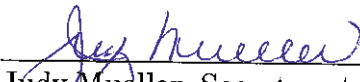

Judy Mueller, Secretary to the
Mariposa County Planning Commission

EXHIBIT 1
PROJECT FINDINGS
FOR
LOT LINE ADJUSTMENT 2007-062 AND
Land Division Application No. 2007-063

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

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 four parcels and a Remainder that are five acres or greater, the site is physically suited for development. The proposed project is located within the Mountain Home zone. The subdivision density is designed in accordance with the Mountain Home zone. Additionally, the lot line adjustment portion of this project involves two (2) parcels which in their modified configurations comply with the minimum parcel size standards of the Mountain Home zoning district of Title 17 and the Residential land use classification of the 2006 General Plan (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 of the Mariposa County General Plan).

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. The Biological Survey conducted for this project did identify potential impacts, however the proposed mitigation measures will ensure that these are reduced to less-than significant. The land is currently and will continue to be used primarily for residential purposes. The project may have an adverse impact on oak woodlands, wildlife resources, and potential habitat areas, and is therefore subject to the California Department of Fish and Game filing fees for a mitigated negative declaration as required by California Fish and Game Code §711.4(d)(4) and a County Clerk fee.

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. All parcels will utilize onsite well and septic; the Health Department has required that percolation tests and soils analysis be performed prior to the recordation of the parcel map.

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

EVIDENCE: The land division is the initial step in the process to help accomplish the General Plan's Housing Element overall goal to "...provide an adequate supply of sound, affordable housing units in a safe and satisfying environment for the present and future residents of the County..." The land division satisfies the following Housing Element Policy: "to ensure that there are adequate sites and facilities available to support future housing needs." There is no specific plan governing this property.

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

EVIDENCE: The minimum parcel size proposed by the project is consistent with standards contained in the General Plan and the Zoning Ordinance. The project 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. A utility easement is recommended along the proposed private access easement to provide for access by utility companies.

7. **FINDING:** 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 by the lot line adjustment portion of this project (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).

EVIDENCE: The lot line adjustment increases the size of Parcel 1 and decreases the size of Parcel 2. The land division portion of this project subdivides Parcel 2 only and must comply with all requirements of the Subdivision Map Act, the Mariposa County Subdivision Ordinance, and all other applicable County and State Codes.

8. **FINDING:** The abandonment of the existing easement through Lot Line Adjustment Parcel 1 and a small section of Land Division Application Parcel D does not create any impacts which are not addressed by the project as proposed. The applicant proposes an alternative alignment for the abandoned easement which is an improvement as it can and will be improved to County standards and as the encroachment at Buckeye Road is in a safer location.

EXHIBIT 2
PROJECT TERMS, MITIGATION MEASURES, AND CONDITIONS
FOR
LOT LINE ADJUSTMENT 2007-062 AND
Land Division Application No. 2007-063

Project Name: LeDuc

File Number: LDA No. 2007-063 and

Project Approval Date: May 8, 2009

LLA No. 2007-062

The following conditions of approval and mitigation measures were approved for this project in order to ensure compliance with county codes and policies. A completed and signed checklist indicates that the conditions have been complied with and implemented.

Sign-Off Checklist for List of Conditions of Approval and Mitigation Measures		
	Monitoring Dept.	Verified Implemented
CONDITIONS OF APPROVAL / PUBLIC WORKS DEPARTMENT		
<p>1. The easement road from Buckeye Road to Parcel C (through the Remainder) shall be made 60 foot wide and non-exclusive. The easement road within Parcels A, B, and C shall be made 30 foot wide and non-exclusive. A cul-de-sac easement with a radius of 60 feet shall be provided at the location shown on the Tentative Parcel Map 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 created for the use and benefit of the subject parcels, and Parcels A, B and C of Parcel Map Book 10, Page 30, MCR and Parcels A and B of Parcel Map Book 17, Page 26, MCR. A public utility easement shall be created and shall be offered for dedication to the County of Mariposa. The public utility easement shall be offered for dedication to the County of Mariposa and shall specifically state on the parcel map that the dedication is for public utility purposes only. Prior to map recordation, the location and width of the easements shall be approved by the County Engineer.</p>	Public Works	

<p>§16.12.160.B, County Subdivision Ordinance; Road Standard Cross-sections, Road Improvement and Circulation Policy</p>		
<p>2. The easement from Buckeye Road to the cul-de-sac on Parcel A shall be improved to a Rural Class I SRA "A" standard and shall meet this standard at the time of parcel map recordation. 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 prepared by a Registered Civil Engineer for any improvements required as a condition of approval for this project. If engineered improvements 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>§16.12.170, County Subdivision Ordinance; Chart A and Section II.D.2.a, Road Improvement and Circulation Policy; Planning Recommendation</p>	<p>Public Works</p>	
<p>3. A cul-de-sac shall be constructed at the intersection of Parcels A and B. The cul-de-sac shall be improved to meet county standards and shall meet this standard at the time of parcel 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 parcel 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 CalFire, the applicant may request permission to construct a hammerhead T turnaround. Prior to recordation of the parcel map, the county surveyor shall confirm that this condition has been met.</p> <p>Public Works Recommendation</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 Buckeye 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</p>	<p>Public Works</p>	

<p>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>5. 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, road contractor, and a representative from CalFire shall occur. This meeting shall be conducted on-site. This consultation meeting shall be setup by the applicant and/or agent. Any and all costs associated with the consultation meeting shall be the responsibility of the applicant. The County Engineer shall verify that this condition has been met prior to the issuance of any road improvement or encroachment permit required for this project and prior to the scheduling of any on-site inspection of road improvements.</p> <p>Public Works Recommendation</p>	<p>Public Works</p>	
<p>6. 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>Public Works Recommendation</p>	<p>Public Works</p>	
<p>7. 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 applicants. A letter shall be submitted to the County Surveyor by RCD stating that the re-vegetation and</p>	<p>Public Works</p>	

<p>erosion control provisions have been completed.</p> <p>Department of Public Works Recommendation</p>		
<p>8. A Verification of Taxes Paid Form, acquired no sooner than 30-days prior to the recordation of the parcel map, shall be submitted to the County Surveyor.</p> <p>Public Works Recommendation</p>	<p>Public Works</p>	
<p>9. A road maintenance association shall be formed to provide for the maintenance of the easement road from the cul-de-sac to Buckeye 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> <p>a. Be in effect for the life of the subdivision unless said maintenance is taken over by the County, a special district, or other governmental entity.</p> <p>b. Provide for annual maintenance and the immediate correction of emergency and hazard situations.</p> <p>c. Include 100% of the parcels in the subdivision served by the access road.</p> <p>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.</p>	<p>Public Works</p>	

<p>e. Provide a mechanism for new parcels to be added to the association.</p> <p>If an existing Road Maintenance Association (RMA) that performs these same functions exists, and if additional parcels can join the existing RMA, this shall be an acceptable alternative for meeting this condition.</p> <p>Public Works Department Recommendation; Section II.I.3, Road Improvement and Circulation Policy</p>		
<p>10. A declaration shall be recorded with the parcel map, referenced on the parcel map and made appurtenant to Parcels A, B, C, D and the Remainder. The declaration shall state the following:</p> <p>“Approved access for Parcels A, B, C, D, and the Remainder, as shown on the Parcel Map for ____, filed in Book ____ of Parcel Maps at Page ____, Mariposa County Records is from ____ (insert approved road name here)” from Buckeye Road.</p> <p>The County Engineer will confirm that this condition has been met prior to map recordation.</p> <p>Planning Department Recommendation</p>		
<p>11. All required signs including street name 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 Department Recommendation; Section II.5.D,</p>	<p>Public Works</p>	

<p>Mariposa Improvement Standards</p>		
<p>12. A road name sign for the on-site easement road shall be placed at the intersection of the easement road and Buckeye Road prior to map recordation. 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>Section 16.12.175, County Subdivision Ordinance</p>	<p>Public Works</p>	
<p>13. A stop sign shall be placed at the intersection of the on-site easement road and Buckeye Road. The design and placement of signs shall be approved by the County Engineer prior to installation.</p> <p>Public Works Department Recommendation; Section II.5.D, Mariposa Improvement Standards</p>	<p>Public Works</p>	
<p>14. A sign stating "THIS ROAD IS NOT COUNTY MAINTAINED" shall be installed at the intersection of the on-site easement road and Buckeye Road prior to map recordation. The design and specifications of the sign shall be in accordance with the County Improvement Standards if in the right-of-way and shall be approved by the County Engineer prior to installation.</p> <p>Section III.A.4, Road Improvement and Circulation Policy</p>	<p>Public Works</p>	
<p>15. 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.</p> <p>[COUNTY SUBDIVISION ORDINANCE SECTION 16.12.395]</p>	<p>Public Works</p>	
<p>CONDITION OF APPROVAL / MARIPOSA PLANNING</p>		
<p>16. Project approval is valid for a period of three years from May 8, 2009. This approval shall expire on May 8, 2012.</p>	<p>Mariposa Planning</p>	

<p>[MARIPOSA COUNTY SUBDIVISION CODE SECTION 16.12.430]</p>		
<p>17. A declaration shall be recorded with the parcel map and shall be referenced on the parcel map:</p> <p>"A Certificate of Compliance must be obtained prior to issuance of a development permit on the designated remainder as shown on the Parcel Map for _____ filed in Book ____ of Parcel Maps at Page _____, Mariposa County Records, in accordance with Section 16.04.030 of Mariposa County Code."</p> <p>§16.04.030, Mariposa County Subdivision Code</p>	<p>Mariposa Planning</p>	
<p>18. A declaration shall be recorded concurrently with and referenced on the parcel map and made appurtenant to the remainder stating:</p> <p>"There shall be no county development permit (including, but not limited to a well permit, a septic permit, a grading permit, and/or a structure permit) issued to the remainder as shown on the Parcel Map for _____ filed in Book ____ of Parcel Maps at Page _____, Mariposa County Records until all of the subdivision conditions for the remainder as established by the Planning Commission have been met. The remainder is not a parcel available for sale, lease or finance until all of the subdivision conditions for the remainder have been met. The remainder may or may not be surveyed."</p> <p>Planning Department Recommendation</p>	<p>Mariposa Planning</p>	
<p>19. Prior to filing 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 (\$1,993.00 as of 1/1/09) and the County Clerk fee (\$50.00 as of 1/1/09) shall be paid by the applicant within five (5) working days of the approval of the application (by Friday, May 15, 2009), 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 May 15, 2009 the environmental determination is not operative, vested, or final (Section 21089(b) Public Resources Code).</p> <p>The County Clerk requires that one check be submitted to cover both of these fees, for a total of \$2,043.00 (effective 1/1/09), 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</p>	<p>Mariposa Planning</p>	

<p>personal check for these fees. Submit the check to Mariposa Planning to file this fee and other required documents with the County Clerk.</p> <p>Note, the filing fees are adjusted annually, effective January 1st of each year, pursuant to Fish and Game Code.</p> <p>§16.12.390, Mariposa County Subdivision Code; 711.4(c) of the State Fish and Game code</p>		
<p>20. The Property Owner shall indemnify, protect, defend, and hold harmless the County, and any agency or instrumentality thereof, and officers, officials, employees, or agents thereof, from any and all claims, actions, suits, proceedings, or judgments against the County, or any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof to attack, set aside, void, or annul, any approval of the County, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the County, concerning the project and the approvals granted herein. Actions concerning the project and approvals granted shall include, but not be limited to, the environmental determination made pursuant to the California Environmental Quality Act (CEQA). Furthermore, Owner shall indemnify, protect, defend, and hold harmless the County, or any agency or instrumentality thereof, against any and all claims, actions, suits, proceedings, or judgments against another governmental entity in which Owner's project is subject to that other governmental entity's approval and a condition of such approval is that the County indemnify and defend such governmental entity. County shall promptly notify the Owner of any claim, action, or proceeding. County will further cooperate in the defense of the action.</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 Code</p>	<p>Mariposa Planning</p>	

<p>21. The easement road from Buckeye Road to the westerly boundary of Parcel A shall be named in accordance with the criteria of County Resolution No. 92-541. A Road Name Request application shall be submitted to the Planning Department and approved by the Board of Supervisor's prior to the recordation of the parcel map.</p> <p>The Planning Commission encourages that the remaining portions of this road to Old Highway be named in conjunction with this application (and new addresses assigned for residences). However, this is not a requirement of the project.</p> <p>(County Resolution No. 92-541)</p>	<p>Mariposa Planning</p>	
<p>22. Lot Line Adjustment No. 2007-062 shall be completed prior to or concurrently with the recordation of the Parcel Map.</p> <p>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 and mitigation measures.</p> <p>Planning Department Recommendation</p>	<p>Mariposa Planning</p>	
<p>CONDITION OF APPROVAL / HEALTH DEPARTMENT</p>		
<p>24. Percolation tests and soils analysis tests shall be performed on Parcel A, B, C, D and the Remainder in accordance with Health Department rules and regulations and Health Department Policy 03-01. A report 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 Specialist prior to recordation of the parcel map. A letter from the County Environmental Health Specialist 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/final map as follows:</p>	<p>Health Department</p>	

“Approved percolation tests and soils analysis tests have been performed on Parcels A, B, C, D and the Remainder as shown on the Parcel Map for ____, recorded in Book ____ of Parcel Maps at Page ____, Mariposa County Records, to verify the feasibility of installing an on-site septic disposal system. A map identifying the location of the approved percolation tests is on file in the County 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 as follows:

“Percolation tests and soils analysis tests show that conventional on-site sewage disposal systems cannot be constructed on Parcel ____ as shown on the Parcel Map for _____, filed in Book ____ at Page ____, Mariposa County Records, 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 which states:

“The property described as Parcel ____ as shown on the Parcel Map for _____, filed in Book ____ at Page _____, Mariposa County Records, 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 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 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.”

(Section 16.12.330, County Subdivision Ordinance; Health

<p>Department Recommendation)</p>		
<p>25. New subdivision lots will be served by an approved potable water supply. Prior to recordation of a parcel map for this project, the applicant will prove to the satisfaction of the Health Department that each new parcel and the Remainder has a supply of potable water meeting requirements for quantity and quality. Proof is as follows:</p> <ul 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 preapproved 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 parcel map stating the following:</p> <p>“Water supplies for residential lands are derived from private wells on Parcels A, B, C, D and the Remainder as shown on the Parcel Map for _____, filed in Book __ 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; Mariposa County General Plan</p>	<p>Health Department</p>	

<p>26. If the project includes plans to burn any waste material, the applicant must first obtain a burn permit from the Mariposa County Air Pollution Control District and follow all District rules associate with burning.</p> <p>Mariposa County Air Pollution Control District Recommendation</p>	<p>Health Department</p>	
<p>CONDITION OF APPROVAL / CALIFORNIA DEPARTMENT OF FOREST AND FIRE PROTECTION</p>		
<p>27. Prior to filing of the parcel map, all applicable State Fire Safe Regulations shall be met. A letter shall be submitted to the County Surveyor by CDF stating this condition has been met.</p> <p>(California Public Resource Code)</p>	<p>California Department of Forest and Fire Protection</p>	
<p>REMAINDER CONDITIONS</p>		

<p>28. 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>§16.04.030, Mariposa County Subdivision Code</p>	<p>Public Works</p>	
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<p>CEQA MITIGATION MEASURES</p>		
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<p>29. An open space setback of fifty [50] feet from the centerline of Buckeye Creek on Parcels A, B, C, D and the Remainder if applicable, to protect the riparian corridor, native plants, species habitat, oak woodlands, and to prevent soil erosion shall be established and shown on the Parcel Map. A statement shall be recorded in Mariposa County Official Records concurrently with the parcel map, referenced on the parcel map, and made appurtenant to Parcels A, B, C, D and the Remainder as follows:</p> <p><i>"There is an open space setback of fifty [50] feet from the centerline of Buckeye Creek located on or</i></p>	<p>Mariposa Planning</p>	
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<p><i>near Parcels A, B, C, D and the Remainder as shown on the Parcel Map for _____, filed in Book ___ of Parcel Maps at Page ___, Mariposa County Records. No structures shall be constructed within the open space setback. No portions of a sewage disposal system shall be constructed within the building setback, unless previously approved by the Health Department as the only acceptable location for that sewage disposal system. A well or wells, water pipes, underground and above ground power lines, fencing, a residential driveway, and other similar structures or improvements may be constructed within the open space setback subject to approval by the Planning Director. Consultation with a qualified biological consultant, whose services shall be paid for by the property owner, may be required by the Planning Director in order to make a determination. No removal of vegetation shall be allowed within the open space setback, except as determined necessary by the California Department of Forestry and Fire Protection, except as needed to implement the uses described in the following paragraphs. No grading shall be allowed within the setback, except as needed to implement the uses described in the following paragraphs.</i></p> <p><i>This setback shall be in perpetuity and shall restrict the use of the land within the setback.</i></p> <p>Mitigation Measure 4.a.1</p>		
<p>30. An open space setback of twenty-five [25] feet from the centerline of the drainage on Parcels A, B, C, D, and the Remainder to protect the riparian corridor, native plants, species habitat, oak woodlands, and to prevent soil erosion shall be established and shown on the Parcel Map. Areas within the 60 foot wide access easement are excluded from this requirement. A statement shall be recorded in Mariposa County Official Records concurrently with the parcel map, referenced on the parcel map, and made appurtenant to Parcels A, B, C, D, and the Remainder as follows:</p> <p><i>“There is an open space setback of twenty-five [25] feet from the centerline of the drainage located on or near Parcels A, B, C, D, and the Remainder as shown on the Parcel Map for _____, filed in Book ___ of Parcel Maps at Page ___, Mariposa</i></p>	<p>Mariposa Planning</p>	

County Records. This setback excludes the 60 foot wide access easement. No structures shall be constructed within the open space setback. No portions of a sewage disposal system shall be constructed within the building setback, unless previously approved by the Health Department as the only acceptable location for that sewage disposal system. A well or wells, water pipes, underground and above ground power lines, fencing, a residential driveway, and other similar structures or improvements may be constructed within the open space setback subject to approval by the Planning Director. Consultation with a qualified biological consultant, whose services shall be paid for by the property owner, may be required by the Planning Director in order to make a determination. No removal of vegetation shall be allowed within the open space setback, except as determined necessary by the California Department of Forestry and Fire Protection, except as needed to implement the uses described in the following paragraphs. No grading shall be allowed within the setback, except as needed to implement the uses described in the following paragraphs.

Residential driveway construction encroaching into the setback area of or crossing the drainage on these parcels, including expansion of any existing crossings, may be subject to a Streambed Alteration Agreement (SAA) with the Department of Fish and Game. Should it be determined that a SAA is required, the Agreement may involve site specific biological study of the proposed disturbed area including wetland delineation. Owners of these affected parcels are encouraged to contact the Department of Fish and Game to determine if an SAA is needed prior to any residential driveway construction within this setback area.

This setback shall be in perpetuity and shall restrict the use of the land within the setback.

Mitigation Measure 4.a.2

<p>31. Any tree removal or pruning that is necessary to implement the project as described in the project's conditions of approval shall occur between September 15 and January 31, the time-frame which is outside of the general avian nesting season. Should such tree removal or pruning occur between February 1 and September 15, a pre-construction survey conducted by a qualified biologist/botanist shall be required to determine if such removal violates the provisions of Fish and Game Code sections 3503, 3503.5, and 3513. The survey should be conducted according to protocol consistent with State and Federal Guidelines. The survey shall be conducted no more than 30 days prior to tree removal or pruning between February 1 and September 15, mitigation measures established by the qualified biologist/botanist shall be implemented to reduce impacts of this tree removal or pruning to less than significant levels. The Planning Department shall be provided a copy of the results of any survey conducted and evidence that any required mitigation measures have been implemented prior to such tree removal or pruning on the site.</p> <p>Mitigation Measure 4.a.3</p>	<p>Mariposa Planning</p>	
<p>32. 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, the applicant shall contact the California Department of Fish and Game (CDFG) to determine if a Section 1603 Streambed Alteration Notification is required for the drainage crossing on Parcel C. If required, the applicant shall obtain the notification or permit prior to the commencement of construction activities. A copy of the approved permit or evidence that a permit is not required shall be submitted to the Public Works Department prior to the onsite consultation meeting required by Condition of Approval No. 5. If a permit is required, all provisions and requirements of the permit shall be completed as required, and prior to recordation of the parcel map. The applicant shall submit to the Public Works Department evidence that all permit requirements have been met to the satisfaction of the Department of Fish and Game.</p> <p>Mitigation Measure 4.b.1</p>	<p>Mariposa Planning</p>	
<p>33. Cultural resources shall not be altered, disturbed, removed, or destroyed. If any cultural resources or archeological materials are uncovered during ground disturbance or construction activities associated with compliance with the conditions of</p>		

<p>approval for this project, Mariposa County authorities and/or a qualified archeologist shall be notified immediately by the applicant or his representative and construction work shall be stopped in this area until mitigation is established by appropriate professional(s) meeting the Secretary of Interior qualification standards. Should human remains be encountered, the County Coroner must also be notified within 48 hours. If the remains are Native American, the coroner must notify the Native American Heritage Commission within 24 hours.</p> <p>Mitigation Measure 5.a and b 1</p>		
<p>LOT LINE ADJUSTMENT PROCESSING CONDITIONS/REQUIREMENTS</p>		
<p>34. The project shows that there will be a transfer of property from "Le Duc and Stanley" to "Le Duc". A land surveyor or other qualified individual must provide the County Surveyor with typed, stamped and signed legal descriptions describing those portions of the approved lot line adjustment which are to be transferred. The County Surveyor requests that copies of the lot closure computations (with acreage) be supplied with the descriptions to validate the content of the descriptions.</p> <p>Mariposa Planning Recommendation</p>	<p>Mariposa Planning</p>	
<p>35. A land surveyor or other qualified individual must provide the County Surveyor with typed, stamped and signed legal descriptions describing the amended parcels (descriptions that include and exclude the transfer pieces). The County Surveyor requests that copies of the lot closure computations (with acreage) be supplied with the descriptions to validate the content of the descriptions. The County Surveyor shall review and approve the descriptions prior to recordation of a Certificate of Compliance for either parcel.</p> <p>Mariposa Planning Recommendation</p>	<p>Mariposa Planning</p>	
<p>36. As required by the County Tax Collector and the Assessor/Recorder, a <u>Verification of Taxes Paid Form</u> allowing recordation of a Certificate of Compliance must be submitted to Mariposa Planning. The applicant shall prepay the taxes on the lot line-adjusted parcels as required by the Assessor/Recorder. The applicant shall submit the Verification of Taxes Paid Form to Planning.</p> <p>Mariposa Planning Recommendation</p>	<p>Mariposa Planning</p>	
<p>37. Applicant records the transfer grant deed with the legal description that have been reviewed and approved by the County</p>	<p>Mariposa Planning</p>	

<p>Surveyor. Applicant provides Mariposa Planning with a copy of the recorded grant deed. Any Trust Deeds on either parcel must be modified to reflect the new parcel configurations. The applicant shall record the amended trust deeds with the legal description(s) that have been reviewed and approved by the County Surveyor. Applicant provides Mariposa Planning with 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 Recommendation</p>		
<p>38. Mariposa Planning will prepare a Certificate of Compliance for each parcel involved in the lot line adjustment, when the above standard requirements are met. Following preparation of the documents, Mariposa Planning will determine the required recording fees for the documents and notify the applicant of the required fees. The applicant shall pay the required fees for recordation, and Mariposa Planning shall record the Certificates of Compliance, completing the Lot Line Adjustment. The Lot Line Adjustment portion of this project shall be completed prior to or concurrently with the land division portion of this project. If completed concurrently with the land division, the recordation of the parcel map may be substituted for the Certificate of Compliance for adjusted Parcel 2.</p> <p>Mariposa Planning Recommendation</p>	<p>Mariposa Planning</p>	

<p align="center">RECOMMENDATION ON OFFERS OF DEDICATION</p>		
<p>1. The Planning Commission recommends the Public Works Director accept the offer of dedication for public utilities.</p> <p>Mariposa Planning Recommendation</p>	<p>Public Works</p>	
<p>2. The Planning Commission supports the applicant's proposal to abandon the existing easement through the Remainder and a small portion of Parcel D, as long as all project conditions are met and the parcel map is recorded.</p>		

Agency Contact List				
AGENCY	CONTACT	PHONE NUMBER	SITE ADDRESS	MAILING ADDRESS
		EMAIL		
Mariposa Planning	Alvaro Arias	209-742-1218 aarias@mariposacounty.org	5100 Bullion Street Mariposa CA 95338	P.O. Box 2039 Mariposa CA 95338
Public Works	Cheryl Jay	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
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	Sarah Wise	966-2332	4982 10th Street Mariposa CA 95338	P.O. Box 35 Mariposa CA 95338
County Fire	Jim Middleton	209-966-4330	5082 Bullion Street Mariposa CA 95338	P.O. Box 162 Mariposa CA 95338
Cal. Dept of Forestry	Matt Watson	209-966-3622	5366 Highway 49 North Mariposa CA 95338	Same as site

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, this column will be initialed and dated.