

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

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

Resolution  
No. 2008-036

**A resolution conditionally approving Conditional Use Permit  
No. 2008-106, The Barrier, Inc., applicant. Assessor Parcel  
Number 009-050-008.**

WHEREAS an application for a Conditional Use Permit was received on May 28, 2008 from The Barrier, Inc. for a property located at 6810/6812 Jerseydale Road in the Jerseydale area of Mariposa County, also known as Assessor Parcel Number 009-050-008, and

WHEREAS the Conditional Use Permit application proposes a Christian youth camp on a 95.68 acre parcel, and

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

WHEREAS a duly noticed public hearing was scheduled for the 7th day of November, 2008; and

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

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

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

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

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

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby approve CUP No. 2008-106; and

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

**Resolution 2008-033. Conditional Use Permit No. 2008-106, The Barrier, Inc., applicant.**

Page 2 of 18 pages  
November 7, 2008

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

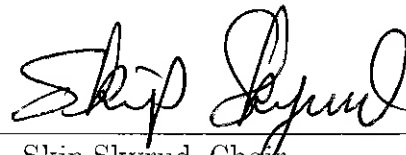
ON MOTION BY Commissioner Rudzik, seconded by Commissioner Ross, this resolution is duly passed and adopted this 7th of November 7, 2008 by the following vote:

AYES: Francisco, Ross, Rudzik, Skyrud, DeSantis

NOES: None

EXCUSED: None

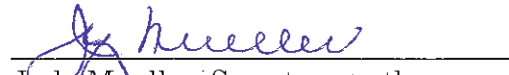
ABSTAIN: None



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Skip Skyrud, Chair  
Mariposa County Planning Commission

Attest:



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Judy Mueller, Secretary to the  
Mariposa County Planning Commission

***EXHIBIT 1***  
***PROJECT FINDINGS***  
***FOR***  
***CONDITIONAL USE PERMIT NO. 2008-106***

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

**EVIDENCE:** The proposed camp covers roughly 25% of the total area of the parcel. Adequate open space is provided.

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

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

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

**EVIDENCE:** As an organized camp Sweetwater Youth Camp is subject to all state and local codes and statutes relating to the design, installation, and maintenance of sewage facilities. Due to the amount of wastewater expected to be generated from the shower facilities and the restrooms at the Children's Center the septic systems serving these facilities will be required to be designed by a Registered Environmental Health Specialist or equivalent professional as per Health Department standards. Regulations contained in Title 17 of the California Code of Regulations relating to Organized Camps require that all garbage and refuse shall be deposited and stored in flytight containers, removed and disposed of at a frequency and in a manner satisfactory to the local health officer.

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

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

**EVIDENCE:** As an organized camp Sweetwater Youth Camp is subject to all state and local codes and statutes relating to the provision of domestic water. Standards contained in Title 17, California Code of Regulations relating to Organized Camps address the amount of water required per person per day at the camp; installation of wells; standards for the use of springs; and compliance with the water supply, quality, monitoring, storage, and distribution requirements of the California Safe

Drinking Water Act, Health and Safety Code, Section 116270, et seq. CalFire requires that a minimum 30,000 gallons of readily accessible water for fire protection shall be provided. The camp will be required to comply with these standards.

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

**EVIDENCE:** Project structures will be required to meet all setbacks and this will be reviewed during the building permit process. The project site is located in the midst of several thousand acres of Sierra National Forest land and the site is secluded from and a significant distance from residential development located to the northeast of the camp site. Private property exists within the perimeter of and immediately adjacent to the camp site. The majority of these parcels are under the ownership of The Barrier, Inc. or by persons affiliated with the Barrier organization. However, there is private property not owned by The Barrier, Inc., or by persons affiliated with the organization located adjacent to the camp. Mitigation measures addressing lighting and noise have been adopted to reduce potential impacts on this property owner to less than significant levels. The site is adequately buffered from other adjacent land uses in the general vicinity that may be sensitive to the operation of the camp.

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

**EVIDENCE:** The project proponent is required to improve the access road to the site, Forest road 5S24, to meet the standards and the intent of Public Resources Code 4290 relating to roadway width, surfacing, turnouts, grade, etc. The internal driveway system will be required to comply with Public Resources Code 4290 and all other applicable state or local regulations relating to driveway safety. The project proponent is required to ensure that Forest road 5S24 shall be maintained passable by two wheel drive vehicles during fire season (May through November) northwest beyond the Sweetwater Youth Camp to Carstens Road. This road shall be maintained in this condition for the life of the project. Roadways serving the project are required to be maintained in the required condition for the life of the project and the project proponent shall be required to obtain yearly approval of roadway conditions by CalFire. Maintaining these roadways in the required conditions will ensure public health and safety relating to emergency ingress/egress is maintained.

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

**EVIDENCE:** The project is located in the Mountain General zone and the Agriculture Working Landscape land use classification. Guest ranches are conditional uses in the Mountain General zone. Sweetwater Youth Camp will operate under a conditional use permit and, therefore, will be consistent with the site's zoning. The project site is not governed by a specific plan.

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

**EVIDENCE:** An initial study was prepared for this project and this study found that the implementation of mitigation measures will reduce potentially significant impacts to biological and cultural resources, and to the issues of light and noise to less than significant levels. For the reasons stated in the Biological Resources section of the initial study prepared for this project the second year of the protocol level survey for the great gray owl will not be required. Mitigation to be implemented at the construction phase of the project will reduce potentially significant impacts on great gray owl to less than significant levels. The project will not have a significant effect on the environment.

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

**EVIDENCE:** The Sweetwater Youth Camp has the potential to be detrimental to the health, safety, morals, comfort, or general welfare of persons living on property adjacent to the camp. However, mitigation measures are proposed that will reduce the light and noise impacts on neighbors to less than significant levels. The project will not be injurious or detrimental to the general welfare of the county. The site will be physically isolated from additional residential uses located northeast of the project site. The Barrier's motto is "Saving America's Youth, One Child at a Time." The Barrier's mission is to spotlight the need to instill moral, honorable, spiritual qualities in the lives of children during adolescence, their formative years. The primary objective is to make a difference in the lives of young people in local communities all across America. The mission for the Sweetwater Youth Camp is to develop a camp/retreat environment that ministers to the entire family unit. From this perspective, the camp could have a positive impact on the general welfare of the county.

10. **FINDING:** The extension of time to implement the approved site plan from three to fifteen (15) years is necessary and will not be detrimental to the public health, safety, and welfare.

**EVIDENCE:** The extension of time for project implementation is necessary due to the fact that the development of the camp will rely on donations, and it is not known when funds will be available. It is unlikely that the camp will be built out within three years. An extension of time for project implementation will not be detrimental to the public health, safety, and welfare. All of the regulations for camp development, conditions of approval, and mitigation measures, which are designed

to ensure that the camp meets all public health and safety requirements, will remain in effect irrespective of the time frames for camp development.

***EXHIBIT 2***  
***CONDITIONS OF APPROVAL AND MITIGATION MEASURES***  
***FOR***  
***Conditional Use Permit No. 2008-106***

**Project Name: Sweetwater Youth Camp      File Number: Conditional Use Permit  
No. 2008-106**

**Project Approval Date: November 7<sup>th</sup>, 2008**

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

1. The approved Sweetwater Youth Camp project consists of the following uses:
  - a) 38 12' by 14' (168 sq. ft.) or 10' by 16' (160 sq. ft.) tents erected on 16' by 16' platforms to accommodate 300 campers;
  - b) showers;
  - c) toilets;
  - d) cooking area (platform, barbeque pits);
  - e) fellowship tent (1,500 sq. ft. multipurpose tent) to be used as a cafeteria, meeting area, chapel, and gathering place during inclement weather as well as other uses at the discretion of the camp.
  - f) a 4,680 sq. ft. children's center to be used as a combination chow hall, dining area, fellowship/gathering area, classrooms, men and women's bathroom and shower area as well as other uses at the discretion of the camp;
  - g) fellowship area and gazebo;
  - h) amphitheater;
  - i) recreation area (volleyball, baseball, etc.);
  - j) confidence/obstacle course;
  - k) garden area and fruit trees;
  - l) tree house;
  - m) play area;
  - n) gold panning;
  - o) horse stalls, stable, tackroom and corrals;
  - p) archery range;
  - q) ball field;
  - r) gravel turn around area;
  - s) 10 private campsites for family camping (portable restrooms to be provided for these campsites.)
  - t) Two parking areas;
  - u) Expansion of existing pond and construction of a new dam.

Additional approved uses include, zipline, mining exhibits, horse, bicycle and hiking trails, BMX bike trails, fencing and the remodeling of two existing homes into administrative offices.

The number of employees or volunteers at the camp at any one time, including camp and activity directors, administrative assistants, caretakers, cooks, counselors, and maintenance personnel, shall be at the discretion of the project proponent.

2. If the second year of the two-year protocol level great gray owl survey is conducted in 2009, the camp shall only be allowed to operate under the Phase I program in 2009 as described in the agreement between the project proponent and the Department of Fish and Game. The uses that would be allowed under Phase I are as follows:

Phase I includes facilities for 50 campers including:

- a) 11 12' by 14' (168 sq. ft.) or 10' by 16'(160 sq. ft.) tents erected on 16' by 16' platforms;
- b) showers constructed on a 12' by 12' platform. The drainage system will flow into a holding tank where the gray water will be treated then be used for watering of landscape material and garden area, or as required by the Mariposa County Health Department);
- c) toilets (6 portables);
- d) cooking area (12' by 12' platform, barbeque pits); and
- e) fellowship tent (1,500 sq. ft. multipurpose tent) to be used as a cafeteria, meeting area, chapel, and gathering place during inclement weather.

Phase I shall occur largely at the northern end of the project site as shown on the approved site plan. Phase I would also include expansion of an existing pond complete with docks, islands, dam and spillway and the installation of solar units.

3. The tent cabins shall be allowed to be replaced with more permanent, wood-frame and/or comparable construction with the timing of the replacement being at the sole discretion of the camp.
4. Minor amendments to the total square footages of the structures, the number of cabins and/or campers on the project site may be approved by the Planning Director provided that any expansion does not exceed 10% of the approved total square footages, and the number of approved cabins and/or campers, and provided a finding can be made that the modification does not create impacts which were not addressed in the original project approval. Expansion beyond the 10% threshold shall require a formal amendment to the conditional use permit. The addition of outdoor uses not expressly permitted under these conditions of approval and not similar in nature to approved uses shall be subject to approval by the Mariposa County Planning Director.

5. The development of the site and the location of structures and uses shall be in substantial conformance to the site plan that was reviewed and approved by the Planning Commission.
6. This project is approved on November 7, 2008. This approval shall expire November 7, 2023. If the conditions of approval are not completed and the project is not fully implemented by November 7, 2023 the applicant may request one or more time extensions of up to eighteen (18) months. The applicant must make this request in writing prior to November 7, 2008. The project shall be allowed to be phased at the discretion of the project proponent providing the entire project is implemented within the time frames required by this condition.
7. A minimum of 30 days prior to initiation of any camp activities in any calendar year, the project proponent shall submit a Notice of Intent to Operate with the Mariposa County Health Department. The project proponent shall comply with all applicable requirements of Title 17. Public Health, Division 1. State Department of Health Services, Chapter 5. Sanitation (Environmental), Subchapter 6. Organized Camps, in the California Code of Regulations as enforced by the Mariposa County Health Department. The project proponent shall provide written evidence to the Mariposa County Planning Department that the Health Department has reviewed and approved of the camp's uses and structures and has determined that such are in compliance with applicable provisions of the above-referenced sections of the California Code of Regulations prior to the initiation of camping activities in any calendar year.
8. Prior to initiation of any camp activities Forest road 5S24 from the Jerseydale/Scott road intersection to the Sweetwater Youth Camp project driveway shall be improved to meet the standard contained in correspondence dated October 11, 2007 from David W. Martin, District Ranger, United State Forest Service, Bass Lake Ranger District, to Samuel O. Hensley, Chairman, The Barrier, Inc. The road shall be improved in accordance with the "Project Requirements and Notes" and the engineering plans that were attached to the October 11, 2007 letter. The work shall be completed in dry weather conditions and normal operating periods only. The project proponent shall meet with a representative(s) of the Forest Service prior to commencement of work activities to clarify requirements, timelines, and responsibilities. The project proponent shall provide the Mariposa County Planning Department with written approval that the required improvements have been reviewed and approved by the U.S. Forest Service and CalFire prior to initiation of any camp activities. The road shall be maintained in accordance with the approved engineering plans for the life of the project. Prior to the initiation of camping activities in any calendar year the project proponent shall request an inspection of the road by CalFire to ensure the road is maintained in the required condition, and shall perform any maintenance required by CalFire. The project proponent shall provide a written statement from CalFire to the Mariposa County Planning Department that the road meets required standards prior to the initiation of camping activities in any calendar year. The project proponent shall be responsible for paying for all inspection fees as may be required from CalFire.



9. The project proponent shall ensure that Forest road 5S24 shall be maintained passable by two wheel drive vehicles during fire season (May through November) northwest beyond the Sweetwater Youth Camp to Carstens Road. This road shall be maintained in this condition for the life of the project. Prior to the initiation of camping activities during the fire season as identified by CalFire the project proponent shall request an inspection of the road by CalFire to ensure the road is maintained in the required condition, and shall perform any maintenance required by CalFire. The project proponent shall provide a written statement from CalFire to the Mariposa County Planning Department that the road meets required standards prior to the initiation of camping activities during the fire season. The project proponent shall be responsible for paying for all inspection fees as may be required from CalFire.
10. Prior to the initiation of camping activities during the fire season as identified by CalFire, the project proponent shall obtain a campfire permit from CalFire. The project proponent shall provide the Mariposa County Planning Department with a copy of these permits when obtained.
11. The following are additional fire safety requirements that the project proponent shall maintain at the project site for the life of the project:
  - a) There shall be a minimum of 150 feet of setback on any proposed construction bordering the Sierra National Forest boundary.
  - b) Structures shall comply with Group C occupancy standards for Organized Camps as contained in Section 440 of the California Building Code.
  - c) There shall be a minimum 30,000 gallons of readily accessible water for fire protection. Water storage facilities shall meet CalFire standards.
  - d) Driveways and other roads within the camp project shall be a minimum of ten feet wide with an all weather surface (minimum surfacing being two inches of gravel) and no grades of greater than 16%. All curves shall have a radius of fifty feet or greater. There shall be an unobstructed vertical clearance of 15 feet along the entire length of the driveways. Turnouts shall be provided, if applicable, in accordance with Section 1273.10 of Public Resources Code 4290. The camp shall also comply with any additional requirements for Organized Camps relating to internal driveways.
  - e) Property addressing shall be posted in accordance with Public Resources Code 4290.
  - f) A mandatory 100 feet of fire safe clearance around all structures (existing and proposed) in accordance with Public Resources Code 4291.
  - g) A safety zone (an area of refuge denuded of brush, trees and standing grass of more than two inches, and with a size of at least four times the height of the tallest vegetation at its perimeter) shall be provided on site for refuge of all persons at the camp for emergencies requiring personnel to be sheltered in place.
  - h) The project proponent shall also incorporate any additional standards contained in General Guidelines for Creating Defensible Space adopted by the Board of Forestry on February 8, 2006 (except that 100 feet of clearance shall be maintained instead of the 30 feet stated in these guidelines.)

The project proponent shall provide a written statement from CalFire to the Mariposa County Planning Department that the conditions of approval have been met prior to the initiation of camping activities during the fire season as identified by CalFire. The project proponent shall be responsible for paying for all inspection fees as may be required from CalFire.

12. Prior to undertaking any resurfacing or other improvement work on Jerseydale Road between its intersection with Scott Road and its intersection with Forest road 5S24, the project proponent shall obtain an encroachment permit from the Mariposa County Public Works Department.
13. The on-site parking areas shall be graveled with a minimum of two inches of gravel and shall be maintained in that condition for the life of the project.
14. Prior to the commencement of any grading required to implement this project, the project proponent shall contact the Regional Water Quality Control Board to determine if a General Permit for Discharges of Storm Water Associated with Construction Activity is required under State Water Quality Control Board Order No. 99-08-DWQ, National Pollutant Discharge Elimination System (NPDES). If required, the applicant shall obtain the permit prior to commencement of grading activities. The project proponent shall provide a copy of the approved permit or evidence that a permit is not required to the Mariposa County Planning Department prior to the initiation of grading activities. The project proponent shall provide written evidence that the permit requirements have been met to the satisfaction of the RWQCB at the conclusion of any grading.
15. All grading to implement the project and that is subject to a grading permit shall occur in accordance with all applicable standards contained in Chapter 15.28 – Grading and Excavation of Title 15 – Buildings and Construction.
16. Prior to the initiation of any construction on the proposed new dam on the project site, the project proponent shall contact the Mariposa County Building Department to determine if such construction can occur under Mariposa County Building Department permitting or if permitting and approval by the State Department of Water Resources, Division of Safety of Dams is required. Dam construction shall be in accordance with all applicable requirements. Impoundment of water shall comply with regulations as set forth by the State Water Resources Control Board – Division of Water Rights. The project proponent shall provide written evidence to the Mariposa County Planning Department that all necessary permitting and approval relating to dam construction has been obtained prior to the initiation of construction activities.
17. Prior to the initiation of any camp activities that require the camp to provide domestic water to campers and staff, the project proponent shall obtain a public water system permit from the State Department of Public Health – Division of Drinking Water. The project proponent shall provide copies of that permit to the Mariposa County Health Department and the Mariposa County Planning Department upon receipt.

18. The project proponent shall use only native plant species for landscaping purposes, and native seed mixes in lawn areas. Rice straw shall be used for erosion control following grading activities.
19. Prior to the initiation of any camping activities the project proponent shall barricade mine entrances in accordance with the requirements of the Mariposa County Health Department. The project proponent shall request an inspection from the Health Department when the barricades are in place and the inspection shall occur at the project proponent's expense. The proponent shall provide the Mariposa County Planning Department with written evidence that the Health Department has reviewed and approved the barricades prior to the initiation of any camping activities. The barricades shall be so designed as to allow the continued passage of wildlife, particularly bats.
20. Signage shall comply with signage requirements contained in Section 17.108.190, Title 17, Mariposa County Zoning Ordinance.
21. Outdoor trash containers shall be required to meet the standards of Chapter 8.44, of Title 8, Health and Safety, Mariposa County Code, commonly known as the "Mariposa County Bear Control Ordinance." A description of the containers shall be included in the Notice of Intent to operate as required by Condition No. 7.
22. The project proponent shall be required to prepare and obtain approval of a Timber Harvesting Plan in accordance with State Forest Practice Rules if timber is removed from the site and sold commercially.
23. All fees associated with the County's processing of the Conditional Use Permit shall be paid within 60 days of project approval (January 7, 2008). All fees associated with the filing of associated documents shall be paid within five (5) working days from the date of project approval. The Department of Fish and Game filing fee (\$1,876.75 as of January 1, 2008) and County Clerk fee (\$50 as of January 1, 2008) shall be paid by the applicant within five (5) working days of the approval of the application (by Friday, November 14, 2008), because if the fee is not paid within 5 working days, and the Notice of Determination is not filed with the County Clerk prior to close of business on Friday, November 14, 2008 the environmental determination is not operative, vested, or final (Section 21089(b) Public Resources Code). The County Clerk requires that one check be submitted to cover both of these fees, for a total of \$1,926.75 (effective January 1, 2008), and that it be in the form of a cashiers check or money order payable to "Mariposa County." The County Clerk will not accept a personal check for these fees. Submit the check to Mariposa Planning who will file this fee and other required documents with the County Clerk.

NOTE: The filing fees are adjusted annually, effective January 1<sup>st</sup> of each year, pursuant to state Fish and Game Code.

24. The Property Owner (Owner) shall indemnify, protect, defend, and hold harmless the County, and any agency or instrumentality thereof, and officers, officials, employees, or agents thereof, from any and all claims, actions, suits, proceedings, or judgments against the County, or any agency or instrumentality thereof, and

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

An agreement on a form approved by Mariposa County Counsel shall be executed within twenty (20) working days of the date of project action. Non-compliance with this condition may result in revocation of project approval by the county.

25. Non compliance with any of the conditions of approval for Conditional Use Permit (CUP) No. 2008-106 may be grounds for revocation of the CUP.

#### **MITIGATION MEASURES**

26. All exterior lighting including that attached to the structures shall be hooded so as to direct light onto the object or area to be lighted to reduce the potential for light to present a nuisance to neighboring property owners to the maximum extent feasible. A final lighting plan shall be submitted to the Mariposa County Planning Director for review and approval prior to the issuance of any grading or building permits for the project. **(Mitigation Measure 1.d.1)**
27. The removal of any tree on the project site of 24 or more inches in diameter, including dead or broken trees, shall occur between September 15 and January 31, the time-frame which is outside of the normal raptor breeding season. Should such tree removal occur between February 1 and September 15 a pre-removal survey for active great gray owl nests shall be conducted by a qualified biologist/botanist no more than 15 days prior to removal. If such nests are found the tree or trees in which nest(s) are located shall not be removed until the young have fledged. The appropriate time for tree removal shall be determined by a qualified biologist/botanist in consultation with the California Department of Fish and Game. The project proponent shall provide the results of any owl survey to the Mariposa County Planning Department prior to tree removal. If the project proponent completes the second year of protocol surveys for the great gray owl, this mitigation measure is null and void and the project proponent is not required to implement it. **(Mitigation Measure 4.a.1)**
28. No structure shall be permitted within 25 feet of the top of the bank of the ponds and dams, except for facilities such as docks and walkways necessary to support boating or swimming activities on the ponds. No structure shall be placed within

50 feet of the centerline of Sweetwater Creek and the wetland/spring/marsh area that connect the ponds to Sweetwater Creek. The proposed tree house to be located within 30 feet of the creek and the walkway to the tree house are not considered to be a structure for the purposes of this mitigation and are allowed. Prior to any work being done in this setback area, such as repairing, maintaining, expanding or filling ponds, or roadway construction over Sweetwater Creek, the project proponent shall submit a Stream Alteration Agreement Notification to the Department of Fish and Game. The Notification shall be submitted at least 90 days prior to commencing these types of disturbing activities. The project proponent shall comply with all requirements of the Agreement should such an Agreement be required for the disturbance activities. A copy of the Stream Alteration Agreement shall be provided to the Mariposa County Planning Department no more than 10 days prior to the start of disturbance activities. **(Mitigation Measure 4.b.1)**

29. The wetland/spring/marsh area that connects the ponds to Sweetwater Creek shall remain undisturbed and protected. This area does not include berry bushes that extend from the perimeter of the wetland vegetation area. Prior to initiation of camping activities signs shall be posted every 100 feet around the perimeter of the wetland vegetation in this area stating:

*"This is an environmentally sensitive area. Please do not disturb."*

These signs shall remain in place for the life of the project. Upon installation of the signs the project proponent shall contact the Mariposa County Planning Department to review and approve the signs prior to initiation of any camp activities.

The terms of this measure can only be modified by the following:

The wetland/spring/marsh area can only be disturbed upon receipt of all permitting from regulatory agencies that may be required to disturb the area, including Section 401 and 402 permits under the Clean Water Act, and Stream Alteration Agreement permitting under Section 1600 et. seq. of the state Fish and Game Code. The project proponent shall provide the Mariposa County Planning Department with copies of all permits prior to disturbance of the area. **(Mitigation Measure 4.c.1)**

30. Any tree removal or pruning that is necessary to implement the project 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 shall be conducted no more than 30 days prior to tree removal or pruning. If these code sections will be violated by 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 on the site. Removal or pruning necessary for safety, access or other emergency situations shall not be subject to this mitigation measure. **(Mitigation Measure 4.d.1)**

31. Prior to any grading or construction on the project site, the project proponent shall have a qualified cultural resources consultant review the proposed locations of structures and uses to determine if further archaeological investigation is warranted for the project site. The project proponent shall provide written verification to the Mariposa County Planning Department from the consultant that no further investigation is required, or, if required, a copy of the investigation and verification that mitigation has been implemented prior to ground disturbance should resources be found. If any signs of prehistoric, historic, archaeological, paleontological resources are uncovered during any grading activity on the project site, 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 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. **(Mitigation Measure 5.a.1)**
32. All external sound amplification shall not exceed 40 db at property lines. The use of sound amplification equipment outside of buildings shall be prohibited between the hours of 10:00 p.m. and 9:00 a.m. Activities shall not occur at the fellowship/gazebo, Robinson Crusoe tree house, play area, gold panning, and horse corral venues ("H" "M" "N" "O" and "P" on the project site plan) prior to 8:00 a.m. The project proponent shall provide the Mariposa County Planning Department with the proposed camp activity and events schedule prior to the initiation of camp activities each camping season, and this schedule shall include the times and nature of activities that would fall within the regulations of this measure. The project proponent shall also provide the Mariposa County Planning Department with a statement as to where loud speakers will be located on the site prior to the initiation of camp activities each camping season and evidence as to how the maximum decibel level at property lines can be met. This evidence can be in the form of information provided by the speaker manufacturer relating to decibel levels at specific distances, decibel readings taken at property lines by a qualified acoustical consultant, or an equivalent method as approved by the Planning Director. **(Mitigation Measure 11.a.1)**
33. No site development activities, including grading and construction of facilities, that involve the use of heavy equipment, generators or other gas operated equipment, power tools, hammers and similar noise generating devices, shall occur before 7:00 a.m. Monday through Friday and 8:00 a.m. on weekends. The project

proponent shall make this provision a part of any contract executed for the construction of the camp. The project proponent shall provide the Mariposa County Planning Department with a copy of all executed contracts for review and approval prior to construction activities. **(Mitigation Measure 11.d.1)**

**EXHIBIT 3**  
**MITIGATION MONITORING**  
**FOR**  
**Conditional Use Permit No. 2008-106**

**Mitigation Measure 1.d.1**

*All exterior lighting including that attached to the structures shall be hooded so as to direct light onto the object or area to be lighted to reduce the potential for light to present a nuisance to neighboring property owners to the maximum extent feasible. A final lighting plan shall be submitted to the Mariposa County Planning Director for review and approval prior to the issuance of any grading or building permits for the project.*

**Monitoring for Mitigation Measure 1.d.1:** This mitigation measure will be monitored by the Mariposa County Planning Department through the project permitting process.

**Mitigation Measure 4.a.1**

*The removal of any tree on the project site of 24 or more inches in diameter, including dead or broken trees, shall occur between September 15 and January 31, the time-frame which is outside of the normal raptor breeding season. Should such tree removal occur between February 1 and September 15 a pre-removal survey for active great gray owl nests shall be conducted by a qualified biologist/botanist no more than 15 days prior to removal. If such nests are found the tree or trees in which nest(s) are located shall not be removed until the young have fledged. The appropriate time for tree removal shall be determined by a qualified biologist/botanist in consultation with the California Department of Fish and Game. The project proponent shall provide the results of any owl survey to the Mariposa County Planning Department prior to tree removal. If the project proponent completes the second year of protocol surveys for the great gray owl, this mitigation measure is null and void and the project proponent is not required to implement it.*

**Monitoring for Mitigation Measure 4.a.1:** This mitigation measure will be monitored by the California Department of Fish and Game and the Mariposa County Planning Department through the site development process.

**MITIGATION MEASURE 4.b.1**

*No structure shall be permitted within 25 feet of the top of the bank of the ponds and dams, except for facilities such as docks and walkways necessary to support boating or swimming activities on the ponds. No structure shall be placed within 50 feet of the centerline of Sweetwater Creek and the wetland/spring/marsh area that connect the ponds to Sweetwater Creek. The proposed tree house to be located within 30 feet of the creek and the walkway to the tree house are not considered to be a structure for the purposes of this mitigation and are allowed. Prior to any work being done in this setback area, such as*

*repairing, maintaining, expanding or filling ponds, or roadway construction over Sweetwater Creek, the project proponent shall submit a Stream Alteration Agreement Notification to the Department of Fish and Game. The Notification shall be submitted at least 90 days prior to commencing these types of disturbing activities. The project proponent shall comply with all requirements of the Agreement should such an Agreement be required for the disturbance activities. A copy of the Stream Alteration Agreement shall be provided to the Mariposa County Planning Department no more than 10 days prior to the start of disturbance activities.*

**Monitoring for Mitigation Measure 4.b.1:** This mitigation measure will be monitored by the California Department of Fish and Game and the Mariposa County Planning Department through the site development process.

**MITIGATION MEASURE 4.c.1**

*The wetland/spring/marsh area that connects the ponds to Sweetwater Creek shall remain undisturbed and protected. This area does not include berry bushes that extend from the perimeter of the wetland vegetation area. Prior to initiation of camping activities signs shall be posted every 100 feet around the perimeter of the wetland vegetation in this area stating:*

*“This is an environmentally sensitive area. Please do not disturb.”*

*These signs shall remain in place for the life of the project. Upon installation of the signs the project proponent shall contact the Mariposa County Planning Department to review and approve the signs prior to initiation of any camp activities.*

*The terms of this measure can only be modified by the following:*

*The wetland/spring/marsh area can only be disturbed upon receipt of all permitting from regulatory agencies that may be required to disturb the area, including Section 401 and 402 permits under the Clean Water Act, and Stream Alteration Agreement permitting under Section 1600 et. seq. of the state Fish and Game Code. The project proponent shall provide the Mariposa County Planning Department with copies of all permits prior to disturbance of the area.*

**Monitoring for Mitigation Measure 4.c.1:** This mitigation measure will be monitored by the Mariposa County Planning Department through the site development review process. This measure achieves avoidance of the wetland/spring/marsh area and reduces potential impacts to this sensitive area to less than significant levels. Should the project proponent propose to disturb this area, the permitting process will reduce potential impacts with this disturbance to less than significant levels.

**MITIGATION MEASURE 4.d.1**

*Any tree removal or pruning that is necessary to implement the project 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 shall be conducted no more than 30 days prior to tree removal or pruning. If these code sections will be violated by 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/pruning on the site. Removal or pruning necessary for safety, access or other emergency situations shall not be subject to this mitigation measure.*

**Monitoring for Mitigation Measure 4.d.1:** This mitigation measure will be monitored by the Mariposa County Planning Department through the project development process.

**MITIGATION MEASURE 5.a.1**

*Prior to any grading or construction on the project site, the project proponent shall have a qualified cultural resources consultant review the proposed locations of structures and uses to determine if further archaeological investigation is warranted for the project site. The project proponent shall provide written verification to the Mariposa County Planning Department from the consultant that no further investigation is required, or, if required, a copy of the investigation and verification that mitigation has been implemented prior to ground disturbance should resources be found. If any signs of prehistoric, historic, archaeological, paleontological resources are uncovered during any grading activity on the project site, 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 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.*

**Monitoring for Mitigation Measure 5.a.1:** This measure will be monitored through the grading or construction permit process. The applicant shall ensure that if cultural resources as described above are uncovered during grading or construction activities on the project site, that all grading and/or construction work shall cease immediately and Mariposa County Planning notified. The Mariposa County Coroner and the American Indian Council of Mariposa County shall also be notified in the event human remains are discovered. This measure will be monitored by the Mariposa County Planning Department through the project construction process and the implementation of applicable protocol will ensure that potentially significant impacts to cultural resources or human remains are mitigated to a less than significant level.

**Mitigation Measure 11.a.1**

*All external sound amplification shall not exceed 40 db at property lines. The use of sound amplification equipment outside of buildings shall be prohibited between the hours of 10:00 p.m. and 9:00 a.m. Activities shall not occur at the fellowship/gazebo, Robinson Crusoe tree house, play area, gold panning, and horse corral venues ("H" "M" "N" "O" and "P" on the project site plan) prior to 8:00 a.m. The project proponent shall provide the Mariposa County Planning Department with the proposed camp activity and events schedule prior to the initiation of camp activities each camping season, and this schedule shall include the*

*times and nature of activities that would fall within the regulations of this measure. The project proponent shall also provide the Mariposa County Planning Department with a statement as to where loud speakers will be located on the site prior to the initiation of camp activities each camping season and evidence as to how the maximum decibel level at property lines can be met. This evidence can be in the form of information provided by the speaker manufacturer relating to decibel levels at specific distances, decibel readings taken at property lines by a qualified acoustical consultant, or an equivalent method as approved by the Planning Director.*

**Monitoring for Mitigation Measure 11.a.1:** This mitigation measure will be monitored by the Mariposa County Planning Department and through a yearly review of camp activities.

**Mitigation Measure 11.d.1**

*No site development activities, including grading and construction of facilities, that involve the use of heavy equipment, generators or other gas operated equipment, power tools, hammers and similar noise generating devices, shall occur before 7:00 a.m. Monday through Friday and 8:00 a.m. on weekends. The project proponent shall make this provision a part of any contract executed for the construction of the camp. The project proponent shall provide the Mariposa County Planning Department with a copy of all executed contracts for review and approval prior to construction activities.*

**Monitoring for Mitigation Measure 11.d.1:** This mitigation measure will be monitored by the Mariposa County Planning Department through the site development process.