
STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution
No. 2007-8

A resolution conditionally approving Land Division Application No. 2004-181; Donald L. Jordan, applicant. Assessor Parcel Number 015-090-007.

WHEREAS an application for land division was received on September 15, 2004 from Donald L. Jordan for property located at 3025 Triangle Road, being a portion of Section 17 & 18, Township 5 South, Range 20 East, Mariposa County, APN 015-090-007; and

WHEREAS this land division proposed to subdivide a 20.71 acre parcel into four parcels: Parcel 1 being 5.06 acres, Parcel 2 being 5.02 acres, Parcel C being 5.62 acres, and Parcel 4 being 5.0 acres, with access to the parcels from an existing 60' non-exclusive easement road created as a result of Parcel Map 20-44, with said easement having ingress and egress onto Triangle Road; and

WHEREAS this is known as Map Proposal 1; and

WHEREAS in order for all parcels to take access from the existing easement, portions of proposed Parcels 1 and 2 as shown on Map Proposal 1 did not meet the 4:1 parcel design ratio as required by §16.12.100.A of the Mariposa County Subdivision Code; 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 November 18, 2005; 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 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 date and considered all of the information in the public record, including the Initial Study and Staff Report, testimony presented by the public concerning the application, and the comments of the applicant; and

WHEREAS the Planning Commission did consider that the parcel design as shown on Map Proposal 1 violated the 4:1 design ratio; and

WHEREAS the Planning Commission requested that the applicant redesign the project so that the parcels met the 4:1 design ratio; and

WHEREAS the Planning Commission continued the public hearing on this project indefinitely to allow the applicant to redesign the parcels and access; and

WHEREAS the applicant submitted an amended tentative parcel map in August 2006; and

WHEREAS this tentative map shows Parcel 1 as being 5.19 acres, Parcel 2 as being 5.04 acres, Parcel 3 as being 5.30 acres and Parcel 4 being 5.18 acres; and

WHEREAS this tentative map proposes that Parcels 1, 2, and 3 shall take access from a new onsite easement that takes access from the existing offsite easement created by Parcel Map 20-44; and

WHEREAS this amended tentative parcel map is known as Map Proposal 2; and

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

WHEREAS the Mariposa County General Plan was adopted on December 18, 2006, requiring that all parcels created through the land division process should have adequate capacity to serve the existing parcels on the access roads as well as the parcels created by the land division; and

WHEREAS the Public Works Department evaluated Triangle Road and found that it meets the minimum capacity for the existing parcels and the parcels proposed by this project; and

WHEREAS a duly noticed public hearing was scheduled for March 2, 2007; 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 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 date and considered all of the information in the public record, including the Initial Study and the Staff Report, testimony presented by the public concerning the application, and the comments of the applicant; and

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

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby approve Land Division Application No. 2004-181; 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 and the mitigation monitoring program set forth in Exhibit 3.

ON MOTION BY Commissioner DeSantis, seconded by Commissioner Hagan, this resolution is duly passed and adopted this March 2, 2007 by the following vote:

AYES: Commissioners DeSantis, Hagan, Ross, Rudzik, and Skyrud

NOES:

EXCUSED:

ABSTAIN:



Robert L. Rudzik, Chair
Mariposa County Planning Commission

Attest:



Carol Suggs, Secretary to the
Mariposa County Planning Commission

EXHIBIT 1
PROJECT FINDINGS
FOR
LAND DIVISION APPLICATION No. 2004-181

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 that are five acres or greater, the site is physically suited for low-density homes and appurtenant improvements such as septic systems. The proposed project is located within the Mountain Home zone. The subdivision density is designed in accordance with the Mountain Home zone.

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 it would have a less than significant effect on the environment with appropriate mitigation measures. According to the Department of Fish and Game's Natural Diversity Data Base and Areas of Special Biological Importance Map for Mariposa County, there is a deer migration area onsite. The California Department of Fish and Game proposed mitigation measures to decrease the impact to the migration corridor in the form of deer friendly fences, retention of mature oak trees, and an open space easement or building setback around the pond. CDF&G has determined the project may have an adverse impact on wildlife resources and potential habitat areas, and is therefore subject to the California Department of Fish and Game filing fees of (\$1,800) for a negative declaration as required by Fish and Game Code Section 711.4(d)(4) and a County Clerk fee of (\$50).

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

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

4. **FINDING:** The proposed map is consistent with applicable general and 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 land division's design generally complies with the County Subdivision Ordinance's maximum 4:1 length to width ratio for parcel configuration. The project site is not in an area governed by a Specific Plan.

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

EVIDENCE: The project will not conflict with any public easement. The proposed project was sent to affected utility companies, none have objected to the proposal.

7. **FINDING:** The project has adequate access.

EVIDENCE: The project will be served by an onsite easement road, connecting to an offsite easement road, connecting to County-maintained Triangle Road, connecting to State Highway 49 South. The Public Works Department will ensure that the onsite and offsite roads are developed to the minimum standards contained within the County Road Improvement and Circulation Policy. The Public Works Department reviewed the condition of Triangle Road between the highway and the offsite road encroachment and determined that the road has adequate capacity to serve the existing level of development as well as the new parcels proposed by the project.

EXHIBIT 2
CONDITIONS OF APPROVAL
FOR
LAND DIVISION APPLICATION NO. 2004-181

Project Conditions for LDA No. 2004-181

Project Name: Donald L Jordan

File Number: LDA No. 2004-181

Project Approval Date: March 2, 2007

The following conditions of approval 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		
1. The existing offsite easement between Triangle Road and the project site is 60 feet wide, non-exclusive and offered for dedication to the County by Parcel Map 20-44. An onsite easement shall be provided adjacent to the southerly parcel boundary of Parcels 1, 2, 3, and 4; this easement shall begin at the southeastern corner of Parcel 4 and shall continue along the southerly boundary for its whole length, increasing in width onsite, reaching a minimum width of fifty feet at the westerly boundary of Parcel 4 and reaching a minimum width of sixty feet on Parcel 3, at least 200 feet east of the westerly parcel boundary of Parcel 3. A cul-de-sac easement with a radius of 60 feet shall be provided at the end of the road improvements on Parcels 1 and 2, to encompass the required cul-de-sac improvements. Additional easement width may be required to encompass the required road improvements, including turnouts and associated cuts and fills, in accordance with the County Improvement Standards and Road Improvement and Circulation Policy. The onsite easement and the cul-de-sac easement shall be offered for	Public Works	

<p>dedication to the County of Mariposa by this parcel map. The offer of dedication shall be non-revocable and specifically state on the parcel map that the dedication is for "public road and utility purposes."</p> <p>§16.20.130, County Subdivision Ordinance; Road Standard Cross-sections, Road Improvement and Circulation Policy.</p>		
<p>2. The offsite road shall be improved to a Rural Class II "B" SRA standard from the encroachment at Triangle Road to the west line of Parcel 4, and from that point shall be improved to a minimum Rural Class IA SRA standard to the cul-de-sac at the terminus of the onsite easement road on Parcels 1 and 2; the road shall meet these standards 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 for any grading or road improvement work required as a condition of approval for this project. 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.</p>	<p>Public Works</p>	
<p>3. The cul-de-sac located on Parcels 1 and 2 shall be improved to meet county standards and State Fire Safe Regulations and shall meet these standards at the time of parcel map recordation. The required cul-de-sac improvements shall be completed in accordance with the Road Improvement and Circulation Policy and the County Improvement Standards. This improvement shall be approved by the County Engineer prior to the recordation of the parcel map</p> <p>Road Improvement and Circulation Policy, Public Works and Planning Recommendation</p>	<p>Public Works</p>	
<p>4. Prior to the onsite preconstruction meeting required by Condition of Approval No. 6 for this project, the applicant shall hire a qualified consultant to perform a drainage study on the project site. This study shall be completed in accordance with the guidelines established by the Public Works Department and shall be submitted to the Public Works Department prior to scheduling the onsite preconstruction meeting. This study shall minimally determine what drainage facilities are necessary for construction of the onsite road, whether special materials are necessary for road construction, whether engineering of</p>	<p>Public Works</p>	

<p>drainage facilities is necessary, whether there are wetlands on the project site, and the appropriate size and design of the drainage facilities in order to accommodate a 100-year storm event (or standard required by Public Works). The Public Works Department shall determine any additional requirements for this study.</p> <p>Any action recommended by this drainage study, including but not limited to relocation of the onsite easement road and cul-de-sac, shall be incorporated into this project approval as a condition; the Public Works Department shall review any recommended actions and approve any necessary modifications to the onsite easement road.</p> <p>Public Works Recommendation</p>		
<p>5. An encroachment permit shall be obtained from the Mariposa County Public Works Department prior to any work being done on or adjacent to Triangle Road. In addition, all grading and road improvement work required as a condition of approval of this project shall comply with the Mariposa County Improvement Standards and all requirements contained therein. The County Engineer may require engineered improvement plans prepared by a Registered Civil Engineer for any improvements required as a condition of approval for this project. If engineered improvement plans are required, the plans shall be approved by the County Engineer prior to commencement of construction work on the required road improvements.</p> <p>Chapter 11, County Improvement Standards</p>	<p>Public Works</p>	
<p>6. 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 California Department of Forestry and Fire Protection, the applicant, the agent, road contractor, and 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 shall be the responsibility of the applicant. Prior to scheduling this meeting, the applicant shall complete the drainage study for the property and shall submit the study to the Public Works Department for their review and approval. The County Engineer shall verify that this condition has been met prior to issuance of any road improvement or encroachment permit required for this project and prior to the scheduling of any on-site inspection of road</p>	<p>Public Works</p>	

improvements.		
Public Works Recommendation		
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) or Public Works. The applicant shall also contact the RCD or Public Works for an inspection. Inspection fees shall be the responsibility of the applicant. A letter shall be submitted to the County Surveyor by RCD or Public Works stating that the re-vegetation and erosion control provisions have been completed.	Public Works	
8. All required signs shall be installed on metal, break-away type posts prior to map recordation. The design and placement of signs shall be approved by the County Engineer prior to installation.	Public Works	
9. A stop sign shall be placed at the intersection of the easement road and Triangle Road. The stop sign shall be installed on metal breakaway type posts prior to map recordation. The design and placement of signs shall be approved by the County Engineer prior to installation.	Public Works	
10. A road name sign for the easement road shall be placed at the intersection of the easement road and Triangle 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. Section 16.12.175, County Subdivision Ordinance	Public Works	
11. The applicant shall join and abide by all of the provisions of the existing road maintenance association that covers the offsite easement road created by Parcel Map 20-44. However, if the road maintenance association is no longer functioning or does not minimally provide for the maintenance activities described by this condition, a new road maintenance association shall be formed to provide for the maintenance of the road in the adjacent offsite easement and in the onsite easement. Maintenance shall include, but not be limited to, drainage and erosion control devices, fuel modification, and upkeep of road surfaces. If creating a new 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:	Public Works	

<p>a. Be in effect for the life of the project unless said maintenance is taken over by the County, a special district, or other governmental entity.</p> <p>b. Provide for annual maintenance and the immediate correction of emergency and hazard situations.</p> <p>c. Include 100% of the lots in the subdivision served by the access roads.</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 with the power of sale.</p> <p>e. Provide a mechanism for new parcels to be added to the association.</p>		
<p>12. 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>	Public Works	
<p>CONDITIONS OF APPROVAL/ MARIPOSA HEALTH DEPARTMENT</p>		
<p>13. A statement shall be recorded in Official Records concurrently with the Parcel map and referenced on the Parcel map as follows:</p> <p>Approved percolation tests and soils analysis tests have been performed on Parcels 1 and 3 as shown on the Parcel Map for Jordan, 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 approved percolation tests, additional soils tests and design recommendations may be required.</p> <p>Section 16.12.330, County Subdivision Ordinance; Health Department Recommendation</p>	Health Department	
<p>14. Percolation tests and soils analysis tests shall be performed on Parcel 2 in accordance with Health Department rules and regulations. The results of these tests shall be submitted to the Mariposa County Health Department and be approved by the County Sanitarian prior to recordation of the parcel map. A letter from the County Sanitarian shall be</p>	Health Department	

<p>submitted to the County Surveyor stating that approved percolation tests and soils analysis tests have been performed on the parcel(s). A statement shall be recorded in Official Records concurrently with the parcel/final map and referenced on the parcel/final map as follows:</p> <p>“Approved percolation tests and soils analysis tests have been performed on Parcel 2 as shown on the Parcel Map for Jordan, 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.”</p> <p>If the tests are completed and approved in a timely manner, the applicant may record one statement in Mariposa County Official Records concurrent with the parcel map stating that the</p> <p>§ 16.12.330, County Subdivision Ordinance; Health Department Recommendation</p>		
<p>15. Prior to recordation of the plat, the applicant shall provide evidence to the Mariposa County Health Department that the sewage disposal system serving the existing dwelling on proposed Parcel 4 is in a location that meets all setback requirements for the new parcel.</p>	<p>Health Department</p>	
<p>16. New subdivision lots will be served by an approved potable water supply. Prior to recordation of a final map for this project, the applicant will prove to the satisfaction of the Health Department that each new parcel has a supply of potable water meeting requirements for quantity and quality. Proof is as follows:</p> <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 	<p>Health Department</p>	

<p>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</p> <p>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> <p>Additionally, if the property is to be served in the future by a well, there will be a requirement to record a disclosure statement concurrently with and referenced on the final map stating the following:</p> <p>“Water supplies for residential lands are derived from private wells on these parcels. 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>General Plan Requirement, Section 5.3.02.E(4)</p>		
<p>CONDITION OF APPROVAL / MARIPOSA PLANNING</p>		
<p>17. Project approval is valid for a period of three years from March 2, 2007. This approval shall expire on March 2, 2010.</p> <p>§16.12.430, Mariposa County Subdivision Code</p>	<p>Mariposa Planning</p>	
<p>18. Prior to recordation of the Parcel Map, all fees associated with the County's processing of the map and filing of associated documents shall be paid. The Department of Fish and Game filing fee (\$1,800) and County Clerk fee (\$50) should be paid within five (5) working days of the approval of the application, because if the fee is not paid within 5 working days, 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 \$1,850.00, 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.</p>	<p>Mariposa Planning</p>	

<p>§16.12.390, Mariposa County Subdivision Code; 711.4(c) of the State Fish and Game code</p>		
<p>19. A building setback shall be established and shown on the Parcel Map for the pond located on Parcel 3. The setback shall be located 50 feet from the high water level of the pond, to allow for deer movement. A statement shall be recorded in Official Records concurrently with the parcel map and referenced on the parcel map as follows:</p> <p style="padding-left: 40px;">“No structure shall be constructed within the building setback as shown on Parcel Map for _____ recorded in Book ____ of Parcel Maps at Page ____, Mariposa County Records. No portions of a sewage disposal system shall be constructed within the building setback. No grading shall be allowed within the building setback, except that which is necessary for access to building sites. A well or wells, water pipes, underground and above ground power lines, fencing, and other similar structures or improvements may also be constructed within the building setback subject to approval by the Planning Director.”</p> <p>Mitigation Measure</p>	<p>Mariposa Planning</p>	
<p>20. A declaration shall be recorded and referenced on the Parcel Map stating: “Potential buyers of Parcels 1, 2, 3, and 4 as shown on the Parcel Map for Jordan, recorded in Book ____ of Parcel Maps at Page ____, Mariposa County Official Records, shall be made aware that they are purchasing land within deer range and consequently can expect browsing damage to gardens and crops. There shall be retention of all oak trees of 12” diameter and greater, as measured at breast height. Fencing on the new parcels should be limited to “deer friendly” designs.”</p> <p>(Mitigation Measure 4.d.1)</p>	<p>Mariposa Planning</p>	
<p>21. The building setback from the pond as required by Condition of Approval No. 19 for this project shall be contained entirely on Parcel 3. The Planning Director shall review the parcel map to ensure that the setback area does not cross the westerly parcel boundary of Parcel 3. Minor adjustments to the parcel boundaries and acreages may be approved by the Planning Director if these adjustments are necessary to satisfy this condition.</p> <p>Planning Department Recommendation</p>	<p>Mariposa Planning</p>	

<p>22. The existing offsite easement road that comes off of Triangle Road and is used to provide access to the subject property as well as Parcels A and B as shown on Parcel Map 20-44 recorded in Mariposa County Official Records shall be named in accordance with the criteria of County Resolution No. 92-541. The proposed onsite easement road providing access to Parcels 1, 2, 3, and 4 of this land division application shall also be named in accordance with the criteria of County Resolution No. 92-541. A Road Name Request application for each road name shall be submitted to the Planning Department and be approved by the Board of Supervisors. The name of the road within the project site shall be shown on the parcel map.</p> <p>(MARIPOSA COUNTY RESOLUTION NO. 92-541)</p>	<p>Mariposa Planning</p>	
<p>23. 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>24. The applicant has the option to:</p>	<p>Mariposa</p>	

<p>1. Construct the road as to not remove oak trees with a diameter of 5" or greater at breast height.</p> <p>OR</p> <p>2. Provide the Planning Department with an oak tree preservation plan developed in accordance with all requirements established by the Planning Department. The plan shall indicate all oak trees with a diameter of 5" or greater at breast height to be removed as a result of road construction and shall include a plan for replacing the removed oak trees and maintaining the replacement trees, or shall provide alternate mitigation to approved by the Planning Department. Planning shall review the oak tree preservation plan and all proposed mitigation and shall inform the Public Works Department in writing when the plan has been submitted and approved by Planning.</p> <p>The applicant shall provide evidence to the Public Works Department that this condition has been met, prior to scheduling the onsite preconstruction meeting with the Public Works Department, the applicant, and the road contractor.</p>	<p>Planning</p>	
<p>CONDITION OF APPROVAL / CALIFORNIA DEPARTMENT OF FOREST AND FIRE PROTECTION</p>		
<p>23. The driveway of Parcel 4 shall have a vegetative clearance of 10 feet from each shoulder and a vertical clearance of 15 feet over the drivable surface. Evidence that this condition has been satisfied shall be in the form of a letter from the California Department of Forestry (CDF) to the County Surveyor</p>	<p>CALIFORNIA DEPARTMENT OF FOREST AND FIRE PROTECTION</p>	
<p>24. Prior to Parcel Map recordation, the applicant shall have complied with all applicable SRA Fire Safe Regulations. A document shall be recorded and referenced on the Parcel Map that states:</p> <p>"Future residential development on Parcels 1, 2, 3, and 4 as shown on the Parcel Map for Jordan, recorded in Book ___ of Parcel Maps at Page ___, Mariposa County Official Records, shall be required to conform with all applicable SRA Fire Safe Regulations (Public Resource Code 4290 and 4291). Furthermore, the development of the parcels is subject to all applicable SRA Fire Safe Regulations and the risk of fire hazards shall be reduced through compliance with Public Resource Code 4291."</p>	<p>CALIFORNIA DEPARTMENT OF FOREST AND FIRE PROTECTION</p>	

Evidence that this condition has been satisfied shall be in the form of a letter from the California Department of Forestry (CDF) to the County Surveyor.		
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Agency Contact List				
AGENCY	CONTACT	PHONE NUMBER EMAIL	SITE ADDRESS	MAILING ADDRESS
Mariposa Planning	Megan Tennermann	209-742-1219 mtennermann@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	Jerry Progner	209-966-3431	5009 Fairgrounds Rd Mariposa CA 95338	P.O. Box 746 Mariposa CA 95338
County Assessor	Eddie Ellis	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	Paul Alvarez	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.

EXHIBIT 3
MITIGATION MONITORING PROGRAM
FOR
LAND DIVISION APPLICATION NO. 2004-181

Mitigation Measure: The applicant has the option to:

1. Construct the road as to not remove oak trees with a diameter of 5" or greater at breast height.

OR

2. Provide the Planning Department with an oak tree preservation plan developed in accordance with all requirements established by the Planning Department. The plan shall indicate all oak trees with a diameter of 5" or greater at breast height to be removed as a result of road construction and shall include a plan for replacing the removed oak trees and maintaining the replacement trees, or shall provide alternate mitigation to approved by the Planning Department. Planning shall review the oak tree preservation plan and all proposed mitigation and shall inform the Public Works Department in writing when the plan has been submitted and approved by Planning.

The applicant shall provide evidence to the Public Works Department that this condition has been met, prior to scheduling the onsite preconstruction meeting with the Public Works Department, the applicant, and the road contractor.

Mitigation Monitoring: The applicant shall either provide the oak tree preservation plan as described above or shall construct the road so that it does not affect oak trees with a diameter of 5" or greater at breast height. If the applicant chooses to construct the road so that it does not affect the oak trees onsite, he shall inform Planning and Public Works of this decision in writing prior to scheduling the onsite preconstruction meeting. If the applicant is unable to construct the road within the easement so that the road does not affect the oak trees, the oak tree plan shall be prepared, reviewed, and approved by the Planning Department prior to scheduling the onsite preconstruction meeting. If oak trees are adversely affected by the road construction and maintenance activities onsite, Planning shall recommend mitigation to lessen the impact to the oak trees and that mitigation shall be implemented as appropriate, prior to recordation of the parcel map for this project

Mitigation Measure: There shall be retention of all oak trees of 12" diameter and greater, as measured at breast height, in the Project area. Fencing on the new parcels should be limited to "deer friendly" designs. A note shall be placed on the Parcel Map stating: 'Potential buyers of parcels 1, 2, 3, and 4 as shown on the Parcel Map for Jordan as recorded in Book __ of Parcel Maps at Page __, Mariposa County Official Records, shall be made aware that they are purchasing land within deer range and consequently can expect browsing damage to gardens and crops.'

Mitigation Monitoring: All oaks of 12" diameter or greater at breast height shall be retained, regardless of their location on the project site. The statement shall be prepared and recorded as stated above, concurrent with the parcel map for this project.

Mitigation Measure: A building setback shall be established and shown on the Parcel Map for the pond located on Parcel 3. The setback shall be located 50 feet from the high water level of the pond, to allow for deer movement. A statement shall be recorded in Official Records concurrently with the parcel map and referenced on the parcel map as follows:

"No structure shall be constructed within the building setback as shown on Parcel Map for _____ recorded in Book ____ of Parcel Maps at Page ____, Mariposa County Records. No portions of a sewage disposal system shall be constructed within the building setback. No grading shall be allowed within the building setback, except that which is necessary for access to building sites. A well or wells, water pipes, underground and above ground power lines, fencing, and other similar structures or improvements may also be constructed within the building setback subject to approval by the Planning Director."

Mitigation Monitoring: The building setback shall be shown on the parcel map. The statement shall be prepared as stated above and shall be recorded concurrent with the parcel map.