

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. 2007-23

A resolution conditionally approving Land Division Application No. 2006-307 together with Lot Line Adjustment No. 2006-306; Orb and Diane Hatton, applicants, Assessor Parcel Number 001-020-017; Richard and Debbie Fuller, second applicants for Lot Line Adjustment, Assessor Parcel Number 001-090-008.

WHEREAS an application for a combination Lot Line Adjustment and Land Division was received on October 10, 2006 from Orb and Diane Hatton for a property located at 10265 Granite Dell Road in the Lake Don Pedro area, also known as Assessor Parcel Number 001-020-017 and hereinafter referred to as "the Hatton parcel"; and

WHEREAS the Lot Line Adjustment portion of this project involved a second parcel owned by Richard and Debbie Fuller, located at 10261 Granite Dell Road in the Lake Don Pedro area, also known as Assessor Parcel Number 001-090-008 and hereinafter referred to as "the Fuller parcel"; and

WHEREAS both parcels are located on Granite Dell Road in the Lake Don Pedro area, which takes access directly from State Highway 132 approximately 1.7 miles northwest of the intersection of Granite Springs Road and Highway 132; and

WHEREAS the Lot Line Adjustment portion of this project increases the size of the Fuller parcel from 6.53 acres to 10.01 acres, and decreases the size of the Hatton parcel from 33.45 acres to 29.97 acres; and

WHEREAS the Land Division Application portion of this project proposes the division of 29.97 acres into Parcel A of ten acres, Parcels B and C of five acres each, and a Remainder of 9.97 acres which includes all the existing development on the project site; and

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

WHEREAS the Health Department determined that the soils in the area of the project site were known to have difficulty supporting septic systems and therefore requested that the applicant provide percolation and soils analysis testing for the subdivision; and

WHEREAS the applicant provided that information to the Health Department by May 1, 2007; and

WHEREAS a duly noticed public hearing was scheduled for the 1<sup>st</sup> day of June 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 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 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,

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 Lot Line Adjustment No. 2006-306 based on the findings set forth in Exhibit 1 with the processing procedure set forth in Exhibit 2; and

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby approve Land Division Application No. 2006-307; and

BE IT THEREFORE FURTHER RESOLVED THAT the land division portion of this 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 as set forth in Exhibit 3.

ON MOTION BY Commissioner Ross, seconded by Commissioner Skyrud, this resolution is duly passed and adopted this June 1, 2007 by the following vote:

AYES: Commissioners DeSantis, Ross, Rudzik, and Skyrud

NOES: None

EXCUSED: Commissioner Hagan

ABSTAIN: None

  
\_\_\_\_\_  
Robert L. Rudzik, Chair  
Mariposa County Planning Commission

Attest:

  
\_\_\_\_\_  
Carol Suggs, Secretary to the  
Mariposa County Planning Commission

***EXHIBIT 1***  
***PROJECT FINDINGS***  
***FOR***  
***Lot Line Adjustment No. 2006-306 and***  
***Land Division Application No. 2006-307***

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 three 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. According to the Department of Fish and Game's Natural Diversity Data Base and Areas of Special Biological Importance Map for Mariposa County, there are no special, rare, or endangered animal or plant species, or wildlife resources located on the project site and the surrounding area that would be affected by approval of this project. 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 of (\$1,800) for a mitigated negative declaration as required by California Fish and Game Code §711.4(d)(4) and a County Clerk fee of (\$50).

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

**EVIDENCE:** 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 the septic systems be engineered prior to 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 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 the Fuller parcel and decreases the size of the Hatton parcel. The land division portion of this project subdivides the Hatton parcel 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.

**EXHIBIT 2**  
**CONDITIONS OF APPROVAL AND MITIGATION MEASURES**  
**FOR**  
**Lot Line Adjustment No. 2006-306 and**  
**Land Division Application No. 2006-307**

**Project Conditions for LDA No. 2006-307 and LLA No. 2006-306**

Project Name: Hatton and Fuller

File Number: LDA No. 2006-307 and

Project Approval Date: June 1, 2007

LLA No. 2006-306

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
<b>CONDITIONS OF APPROVAL / PUBLIC WORKS DEPARTMENT</b>		
1. The existing and proposed onsite easement from Highway 132 around the loop and providing access to Parcels A, B, and C and the Remainder of the land division and Parcel 2 of the lot line adjustment shall be made sixty feet wide and non-exclusive. The easement shall be designated for access for the use and benefit of the subject property. Provisions for a public utility easement along the access easement shall be made; 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.  §16.12.160.B, County Subdivision Ordinance; Section II.A.3, Road Improvement and Circulation Policy	Public Works	
2. The proposed offsite portion of the easement located on the Fuller parcel providing access to Parcels A, B, and C of the land division and Parcel 2 of the lot line adjustment shall be made sixty	Public Works	

<p>feet wide and non-exclusive. The easement shall be designated for access for the use and benefit of the subject properties. Provisions for a public utility easement along the access easement shall be made; 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. The applicant shall obtain a recorded easement through the Fuller property; this easement shall be recorded prior to scheduling the onsite preconstruction meeting. Prior to recordation of the offsite easement document, the County Surveyor shall review and approve the content and the format of the document; the document shall be approved by any and all parties with a financial interest in either the Hatton or the Fuller property.</p>		
<p>§16.12.160.B, County Subdivision Ordinance; Road Standard Cross-sections, Road Improvement and Circulation Policy</p>	<p>Public Works</p>	
<p>3. Granite Dell Road from Highway 132 around the loop and back to its intersection with itself on the Remainder as shown on the tentative map 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 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</p>	
<p>§16.12.170, County Subdivision Ordinance; Chart A and Section II.D.2.a, Road Improvement and Circulation Policy</p>		
<p>4. 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, CDF, CalTrans, the applicant, and the road contractor shall occur. This meeting shall be conducted on-site. This consultation meeting shall be set up by the applicant. Any and all costs associated with the consultation shall be the responsibility of the applicant. The County Engineer shall verify that this condition has been met prior to issuance of any road improvement permit required for this project and prior to the scheduling of any on-site inspection of road improvements.</p>		

<p>Department of Public Works Recommendation</p>		
<p>5. Prior to scheduling the onsite preconstruction meeting required as Condition of Approval No. 4 for this project, an encroachment permit shall be obtained from the California Department of Transportation for any work being done on or adjacent to State Highway 132. 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>CalTrans/  Public Works</p>	
<p>6. 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 erosion control provisions have been completed.</p> <p>Department of Public Works Recommendation</p>	<p>Public Works</p>	
<p>7. 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>Department of Public Works Recommendation</p>	<p>Public Works</p>	

<p>8. A road maintenance association shall be formed to provide for the maintenance of Granite Dell Road. Maintenance shall include, but not be limited to, drainage and erosion control devices, fuel modification, and upkeep of road surfaces. The Road Maintenance Association provisions shall be developed by the applicant so those parcels served by the easement roads shall be responsible for road maintenance. These provisions shall be reviewed and approved by the County Engineer prior to recordation of the parcel map and shall:</p> <ul style="list-style-type: none"> <li>a. Be in effect for the life of the subdivision unless said maintenance is taken over by the County, a special district, or other governmental entity.</li> <li>b. Provide for annual maintenance and the immediate correction of emergency and hazard situations.</li> <li>c. Include 100% of the parcels in the subdivision served by the access roads.</li> <li>d. Provide a mechanism for the road maintenance association to collect delinquent payments or assessments for the maintenance described above by filing a lien on the delinquent properties with the power of sale.</li> <li>e. Provide a mechanism for new parcels to be added to the association.</li> </ul> <p>Public Works Department Recommendation; Section II.I.3, Road Improvement and Circulation Policy</p>	<p>Public Works</p>	
<p>9. All required signs including street name signs shall be installed on metal, break-away type posts prior to map recordation unless the signs are located in the Highway 132 right-of-way, then they are to be installed according to CalTrans standards. 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>10. A road name sign for Granite Dell Road shall be placed at the intersection of the easement road and Highway 132 prior to map recordation. The design and specifications of the sign shall be in accordance with the Mariposa County Improvement Standards or CalTrans Standards if in the right-of-way 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>11. A stop sign shall be placed at the intersection of Granite Dell Road and Highway 132. The design and placement of signs shall be approved by CalTrans and 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>12. A sign stating "THIS ROAD IS NOT COUNTY MAINTAINED" shall be installed at the intersection of Granite Dell Road and Highway 132 prior to map recordation. The design and specifications of the sign shall be in accordance with the County Improvement Standards or CalTrans 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>13. An encroachment permit shall be obtained from Caltrans for Granite Dell Road prior to any work being done or adjacent to State Highway 132. All required improvements of the Caltrans encroachment permit will be completed and approved by Caltrans prior to parcel map recordation. If any required signs should be located within the Highway 132 right of way, then the encroachment permit shall address these requirements. A letter from Caltrans stating that their required encroachment improvements relative to the subject parcel map have been completed shall be submitted to the County Surveyor.</p> <p>Public Works/ CalTrans Recommendation</p>	<p>Public Works</p>	
<p><b>CONDITION OF APPROVAL / MARIPOSA PLANNING</b></p>		
<p>14. Project approval is valid for a period of three years from June 1, 2007. This approval shall expire on June 1, 2010.</p> <p>§16.12.430, Mariposa County Subdivision Code</p>	<p>Mariposa Planning</p>	
<p>15. Lot Line Adjustment No. 2006-306 shall be completed and Certificates of Completion recorded prior to recordation of the parcel map.</p> <p>Planning Department Recommendation</p>		
<p>16. The road name "Granite Dell Road" shall be shown on the parcel map for the proposed 60 foot wide access easement.</p> <p>County Resolution No. 92-541</p>	<p>Mariposa Planning</p>	
<p>17. A declaration shall be recorded with the parcel map and shall</p>	<p>Mariposa</p>	

<p>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>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 style="padding-left: 40px;">"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 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 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) shall 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>§711.4(d)(4) and §711.4(e), California Fish and Game Code</p>	<p>Mariposa Planning</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><b>CONDITION OF APPROVAL / HEALTH DEPARTMENT</b></p>		
<p>21. Representative engineering must be provided for Parcels A, B, and C as shown on the tentative parcel map for this project, and approved by the Health Department prior to recordation of the map.</p> <p>Health Department Recommendation</p>	<p>Health Department</p>	
<p>22. 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 A, B, and C as shown on the Parcel Map for _____, filed in Book ___ of Parcel Maps at Page ____, Mariposa County Records, to verify the feasibility of installing an on-site septic disposal system. The tests indicate that special design "Engineered" Septic</p>	<p>Health Department</p>	

<p>Systems will be required for residential development of these parcels. The systems have been designed and a copy of the approved engineering 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 percolation tests and design recommendations may be required.”</p> <p>§ 16.12.330, County Subdivision Ordinance; Health Department Recommendation</p>		
<p>23. In the event that the qualified disposal area cannot meet minimum required setbacks from proposed property lines, the property lines shall be adjusted or parcels merged to insure that the minimum setbacks are available. In the event that road construction on the project eliminates some or all of the qualified disposal area for one or more parcels, the parcels shall be tested in another area. Minimum testing requirements are percolation testing with at least four percolation tests, and soil profiles. In the event that soils testing does not demonstrate a new area meeting the requirements of Health Department Policy 03-01, then the parcel shall be merged with adjoining parcels prior to recordation of the final map.</p> <p>Health Department Policy 03-01; Health Department Recommendation</p>	<p>Health Department</p>	
<p>24. 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 has a supply of potable water meeting requirements for quantity and quality. Proof is as follows:</p> <ul style="list-style-type: none"> <li>a. an approved connection from an approved public water provider; or</li> <li>b. a proposed connection to a shared well which has been preapproved by the Health Department; or</li> <li>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</li> <li>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</li> </ul>	<p>Health Department</p>	

<p>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 parcel 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>§16.20.230.C, Mariposa County Subdivision Code; Mariposa County General Plan</p>		
<p><b>CONDITION OF APPROVAL / CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION</b></p>		
<p>25. 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 and made appurtenant to all parcels, that states:</p> <p>“Future residential development on all parcels as shown on the Parcel Map for _____, filed in Book _____ of Parcel Maps at Page _____ M.C.O.R. 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>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 Public Resource Code 4290</p>	<p>California Department of Forest and Fire Protection</p>	
<p><b>REMAINDER CONDITIONS</b></p>		

<p>26. A building setback of fifty [50] feet from the high water mark of the retention pond on the Remainder shall be 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 the Remainder as follows:</p> <p>“There is a building setback of fifty [50] feet from the high water mark of the retention pond located on 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 building 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. No grading shall be allowed within the setback. No removal of vegetation shall be allowed within the building setback, except as determined necessary by the California Department of Forestry and Fire Protection. A well or wells, water pipes, underground and above ground power lines, fencing, and other similar structures or improvements may be constructed within the building setback subject to approval by California Department of Fish and Game.”</p> <p>Mitigation Measure 4.b.1</p>	<p>Mariposa Planning</p>	
<p>27. Upon completion of all conditions applied to the remainder, a Certificate of Compliance shall be recorded on the remainder, in accordance with Section 16.04.030, County Subdivision Ordinance. Fees associated with the recordation of the certificate of compliance shall be paid by the applicant.</p> <p>§16.04.030, Mariposa County Subdivision Code</p>	<p>Public Works</p>	
<p><b>CEQA MITIGATION MEASURES</b></p>		
<p>28. A building setback of fifty [50] feet from the centerline of the spillway shall be located on Parcel A. A statement shall be recorded in Mariposa County Official Records concurrently with the parcel map, referenced on the parcel map, and made appurtenant to Parcel B as follows:</p> <p>“There is a building setback of fifty [50] feet from the high water mark of the retention pond located on the Remainder and the spillway on Parcel A 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 building 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. No grading shall be allowed</p>	<p>Mariposa Planning</p>	

<p>within the setback. No removal of vegetation shall be allowed within the building setback, except as determined necessary by the California Department of Forestry and Fire Protection. A well or wells, water pipes, underground and above ground power lines, fencing, and other similar structures or improvements may be constructed within the building setback subject to approval by California Department of Fish and Game."</p>		
<p>Mitigation Measure 4.b.1</p>		
<p>29. Prior to recordation of the parcel map, the applicant shall submit an Oak Tree Identification and Preservation Plan to the Mariposa County Planning Department. This Plan shall show all trees of the genus Quercus located onsite within fifty feet of the centerline of the onsite easement road that are 5" or larger in diameter at breast height, with breast height being 4 ½' above natural grade. All trees identified as Quercus that will be removed for construction shall be identified on this Oak Tree Site Plan. All oak trees identified for removal on the project site shall be replaced at a ratio of three to one of a like species of oak, minimum of 10-gallon size, purchased from a nursery that has stock compatible for project site conditions, except as specified below. This Plan shall be prepared by a certified professional arborist, licensed landscape architect, registered professional forester, qualified botanist, or other qualified professional as approved by the Mariposa County Planning Department. This Plan shall specify maintenance requirements, costs, and procedures to ensure the viability of the replacement trees. If no trees are removed for purposes of road construction, the applicant may waive this requirement. If the qualified professional preparing this survey suggests an alternative to replacing the trees to be removed, that alternative suggestion shall be evaluated by the Mariposa County Planning Department and if determined to be acceptable, shall be implemented. The Plan shall be completed and approved by the Planning Department prior to scheduling the onsite road construction meeting required as a condition of project approval.</p>	<p>Mariposa Planning</p>	
<p>Mitigation Measure 4.e.1</p>		
<p><b>LOT LINE ADJUSTMENT PROCESSING</b></p>		
<p>30. The project shows that there will be a transfer of property from Hatton to Fuller and another transfer from Fuller to Hatton 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</p>	<p>Mariposa Planning</p>	

<p>content of the descriptions.</p> <p>Mariposa Planning Recommendation</p>		
<p>31. 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>32. 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 Assessor/Recorder shall submit the Verification of Taxes Paid Form to Planning.</p> <p>Mariposa Planning Recommendation</p>	<p>Mariposa Planning</p>	
<p>33. Applicant records the transfer grant deeds with the legal descriptions that have been reviewed and approved by the County Surveyor. Applicant provides Mariposa Planning with copies of the recorded grant deeds. 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>Mariposa Planning</p>	
<p>34. 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</p>	<p>Mariposa Planning</p>	



to or concurrent with the land division portion of this project.		
Mariposa Planning Recommendation		

<b>Agency Contact List</b>				
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 MEASURES AND MONITORING PROGRAM**

**FOR**

**Lot Line Adjustment No. 2006-306 and  
Land Division Application No. 2006-307**

Mitigation Measure 4.b.1.

A building setback of fifty [50] feet from the high water mark of the retention pond on the Remainder and the spillway on Parcel A. A statement shall be recorded in Mariposa County Official Records concurrently with the parcel map, referenced on the parcel map, and made appurtenant to Parcel A and the Remainder as follows:

*"There is a building setback of fifty [50] feet from the high water mark of the retention pond located on the Remainder and the spillway on Parcel A 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 building 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. No grading shall be allowed within the setback. No removal of vegetation shall be allowed within the building setback, except as determined necessary by the California Department of Forestry and Fire Protection. A well or wells, water pipes, underground and above ground power lines, fencing, and other similar structures or improvements may be constructed within the building setback subject to approval by California Department of Fish and Game."*

Monitoring for Mitigation Measure 4.b.1: The applicant shall have the building setback shown on the recorded parcel map and shall prepare a declaration with the above statement. The parcel map and declaration shall be submitted to the County Surveyor and shall be approved prior to recordation of the parcel map.

Mitigation Measure 4.e.1:

*Prior to recordation of the parcel map, the applicant shall submit an Oak Tree Identification and Preservation Plan to the Mariposa County Planning Department. This Plan shall show all trees of the genus Quercus located onsite within fifty feet of the centerline of the onsite easement road that are 5" or larger in diameter at breast height, with breast height being 4 ½' above natural grade. All trees identified as Quercus that will be removed for construction shall be identified on this Oak Tree Site Plan. All oak trees identified for removal on the project site shall be replaced at a ratio of three to one of a like species of oak, minimum of 10-gallon size, purchased from a nursery that has stock compatible for project site conditions. This Plan shall be prepared by a certified professional arborist, licensed landscape architect, registered professional forester, qualified botanist, or other qualified professional as approved by the Mariposa County Planning Department. This Plan shall specify maintenance requirements, costs, and procedures to ensure the viability of the replacement trees. If no trees are*

*removed for purposes of road construction, the applicant may waive this requirement. If the qualified professional preparing this survey suggests an alternative to replacing the trees to be removed, that alternative suggestion shall be evaluated by the Mariposa County Planning Department and if determined to be acceptable, shall be implemented. The Plan shall be completed and approved by the Planning Department prior to scheduling the onsite road construction meeting required as a condition of project approval.*

Monitoring for Mitigation Measure 4.e.1: Prior to construction of the onsite easement road, the applicant shall prepare the plan showing all oak trees within fifty feet of the centerline of the easement road, and shall submit this plan to the Planning Department. When the plan has been reviewed and approved by the Planning Department, Planning shall submit a letter to the County Surveyor confirming that this requirement has been met. This requirement shall be met before the applicant schedules the onsite road preconstruction meeting.