

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

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution
No. 2006-40

A resolution conditionally approving Land Division Application No. 2004-214, Conrad and Cindy Fournier, applicants. Assessor Parcel Number 012-100-014.

WHEREAS an application for land division was received on November 8, 2004 from Conrad and Cindy Fournier for a property located at an unassigned address on the west side of Yaqui Gulch Road, approximately 1600 feet southeast of the intersection of Yaqui Gulch Road and Highway 140, also known as Assessor Parcel Number 012-100-014; 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 noted that the area of the project site is noted for poor soils, and required that the applicant conduct soils testing on the project site and submit a soils report to the Health Department for their review in order to issue comments; and

WHEREAS the Planning Department received comments from the Health Department on July 10, 2006 that stated the soils testing had been conducted and evaluated to ensure that this project would not cause public health problems if certain conditions were incorporated into the project approval; and

WHEREAS a duly noticed public hearing was scheduled for the 4th day of August, 2006; and

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

WHEREAS the Initial Study prepared for this project demonstrated that the project as proposed had the potential to cause a significant impact to oak woodlands; and

WHEREAS staff determined that an Oak Tree Preservation Plan, prepared by a qualified professional and reviewed by staff to determine any additional mitigation, would be sufficient to protect the onsite oak trees; 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, incorporating the Health Department recommendations as conditions of project approval; and

WHEREAS the Staff Report and the Initial Study were amended to include a recommendation that the applicant have a cultural resources survey prepared for the property; 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,

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. 2004-214; and

BE IT THEREFORE FURTHER RESOLVED THAT the project is approved based upon the findings set forth in Exhibit 1, the conditions and mitigation measures set forth in Exhibit 2, and the mitigation monitoring program set forth in Exhibit 3.

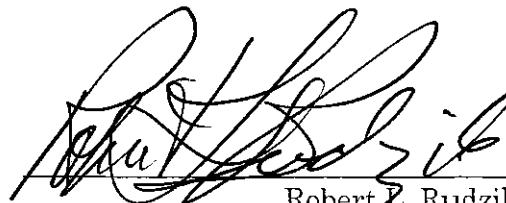
ON MOTION BY Commissioner DeSantis, seconded by Commissioner Ross, this resolution is duly passed and adopted this August 4, 2006 by the following vote:

AYES: Commissioners DeSantis, Ross, Rudzik, and Skyrud

NOES: None

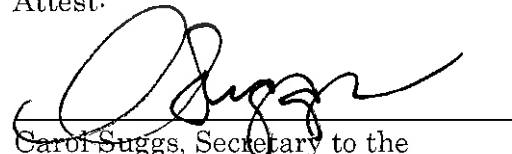
EXCUSED: None

ABSTAIN: None



Robert L. Rudzik, Chair
Mariposa County Planning Commission

Attest:



Carol Suggs, Secretary to the
Mariposa County Planning Commission

Exhibit 1—Findings for Approval

Land Division Application No. 2004-214

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

EVIDENCE: Based on site inspection, the site is physically suited for low-density homes and appurtenant improvements such as septic systems, provided that the conditions of approval regarding the access roads and the percolation testing are met. The proposed project is located within the Mountain Home land use and zoning classification. The subdivision density is designed in accordance with the Mountain Home land use and zoning classification.

2. **FINDING:** The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

EVIDENCE: The Initial Study prepared for the project found that based on the approved project description, it would have a less than significant effect on the environment. 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 undeveloped and will be used primarily for residential purposes. 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 \$1,250 for a mitigated negative declaration as required by AB 3158 and a County Clerk fee of \$25.

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 wells and wastewater disposal. The proper location and implementation of these improvements will ensure that serious health problems will not occur on the site. As a condition of approval for this project, the applicant will be required to have designed special septic systems that comply with all Health Department requirements for this property. Additionally, all future residential uses will be required to comply with the State Fire Safe Standards as mandated by California Public Resource Code Sections 4290 and 4291, which will eliminate any potential health and safety issues related to fire protection.

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.”* The project site is not covered by a specific plan.

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 complies with the County Subdivision Ordinance's maximum 4:1 length to width ratio for parcel configuration. The property is not covered 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 project has been designed in such a way that public easements are not affected. Affected utility companies have reviewed the proposed project and have not objected to the proposal.

Exhibit 2—Conditions of Approval and Mitigation Measures

Land Division Application No. 2004-214

Project Name: Conrad and Cindy Fournier
Project Approval Date: August 4, 2006

File Number: LDA No. 2004-214

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

Sign-Off Checklist for List of Conditions of Approval and Mitigation Measures		
	Monitoring Dept.	Verified Implemented
CONDITIONS OF APPROVAL / PUBLIC WORKS DEPARTMENT		
<p>1. The road easement from Yaqui Gulch Road to the cul-de-sac on Parcel A and the Remainder shall be made 60 feet wide and non-exclusive. A cul-de-sac easement with a radius of 60 feet shall be provided at the end of the onsite easement road 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 easement shall be created for the use and benefit of the subject properties. An offer of dedication for public utilities shall be made. The offer shall be non-revocable and specifically state on the parcel map that the dedications are for "public utility purposes."</p> <p>§16.20.130, County Subdivision Ordinance: Road Standard Cross-sections, Road Improvement and Circulation Policy.</p>	Public Works	
<p>2. The road easement from the northerly onsite easement to the cul-de-sac on Parcels B, C, and D shall be made 60 feet wide and non-exclusive. A cul-de-sac easement with a radius of 60 feet shall be provided at the end of the onsite easement road 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 easements shall be offered for dedication to the County of Mariposa. The offers of dedication shall be non-</p>	Public Works	

<p>revocable and specifically state on the parcel map that the dedications are 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>3. A variable width dedication of a minimum of 30 feet from the centerline of Yaqui Gulch Road shall be offered to the County of Mariposa. The offer of dedication shall be non-revocable and specifically state on the parcel map that the dedication is for "public road and public utility purposes." The location and width of the offer of dedication shall be approved by the County Engineer.</p> <p>§16.12.150, County Subdivision Ordinance; Section II.A.3, Road Improvement and Circulation Policy</p>	<p>Public Works</p>	
<p>4. The road within the easement from Yaqui Gulch Road to the cul-de-sac on Parcel A and the Remainder shall be improved to a Rural Class IA SRA 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. Prior to commencement of construction work on the required road improvements, the County Engineer shall approve any section of the road which exceeds 12% grade, and may require that the onsite road be paved. Grades for the onsite easement road shall not exceed 16% for any section of the road.</p> <p>§16.12.170, County Subdivision Ordinance.</p>	<p>Public Works</p>	
<p>5. The road within the easement from the northerly onsite easement to the cul-de-sac on Parcels B, C, and D shall be improved to a Rural Class IA SRA 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. Prior to commencement of construction work on the</p>		

<p>required road improvements, the County Engineer shall approve any section of the road which exceeds 12% grade, and may require that the onsite road be paved. Grades for the onsite easement road shall not exceed 16% for any section of the road.</p> <p>§16.12.170, County Subdivision Ordinance.</p>		
<p>6. A cul-de-sac shall be constructed at the terminus of both on-site easement roads as shown on the tentative parcel map. The cul-de-sacs shall be improved to meet county standards and shall meet these standards at the time of parcel map recordation. The required cul-de-sac improvements shall be completed in accordance with the Road Improvement and Circulation Policy and the County Improvement Standards and shall be inspected and approved by the County Engineer prior to recordation of the final map. If construction of a cul-de-sac is impractical due to the on-site terrain as determined by the County Engineer with the concurrence of CDF, the applicant may request permission to construct a hammerhead T turnaround. Prior to recordation of the final map, the County Surveyor shall confirm that this condition has been met.</p> <p>Section 11.4(B)(9) County Improvement Standards</p>	<p>Public Works</p>	
<p>7. An encroachment permit shall be obtained from the Mariposa County Public Works Department prior to any work being done on or adjacent to Yaqui Gulch 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.</p> <p>Chapter 11, County Improvement Standards</p>	<p>Public Works</p>	
<p>8. Access to Parcels A, B, C, D, and the Remainder shall be limited to the proposed onsite easement, and no further encroachments shall be approved for Parcels A, B, C, D, and the Remainder from Yaqui Gulch Road. A declaration shall be recorded with the parcel map, referenced on the parcel map and made appurtenant to all parcels and the Remainder. The declaration shall state the following:</p> <p>“Approved access for residential development of Parcel A , Parcel B, Parcel C, Parcel D, and the Remainder as shown on the Parcel Map for Fournier, recorded in Book ___ of Parcel Maps at Page ____, Mariposa County Records is from <u>(insert approved road names)</u>. No further encroachment permits shall be issued to these parcels from Yaqui Gulch Road.”</p> <p>The County Engineer will confirm that this condition has been met prior to map recordation.</p> <p>Public Works Recommendation</p>	<p>Public Works</p>	

<p>9. A road maintenance association shall be formed to provide for the maintenance of the roads in the onsite easements. 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 final map and shall:</p> <ul style="list-style-type: none"> a. Be in effect for a period of not less than thirty (30) years unless said maintenance is taken over by the County, a special district, or other governmental entity. b. Provide for annual maintenance and the immediate correction of emergency and hazard situations. c. Include 100% of the parcels in the subdivision served by the access roads, including the Remainder. 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. e. Provide a mechanism for new parcels to be added to the association. <p>Public Works Recommendation</p>	<p>Public Works</p>	
<p>10. 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 a representative of the Public Works Department, a representative of CDF, a representative from the Health Department, the applicant, the agent, and the road contractor shall occur. This meeting shall be conducted onsite. This consultation meeting shall be set up by the applicant and/or agent. 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 or encroachment permit required for this project and prior to the scheduling of any onsite inspection of road improvements.</p> <p>Public Works Recommendation</p>	<p>Public Works</p>	
<p>11. Prior to the commencement of any road improvements, road construction or other road building or maintenance activities required as a condition of approval for this project, the applicant</p>	<p>Public Works</p>	

<p>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. If required, the applicant shall obtain the permit prior to commencement of construction activities. A copy of the approved permit or evidence that a permit is not required shall be submitted to the Public Works Department by the applicant prior to the onsite consultation meeting required by Condition of Approval No. 10. If a permit is required, all provisions and requirements of the permit shall be completed prior to recordation of the parcel map. The applicant shall submit to the Public Works Department evidence that the permit requirements have been met to the satisfaction of the RWQCB.</p> <p>State Water Quality Control Board Order No. 99-08-DWQ, National Pollutant Discharge Elimination System (NPDES)</p>		
<p>12. 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 Natural Resource Conservation Service/Resource Conservation District (NRCS/RCD). The applicant shall also contact the NRCS/RCD for an inspection. Inspection fees shall be the responsibility of the application. A letter shall be submitted to the County Surveyor by NRCS/RCD or the Public Works Department stating that the re-vegetation and erosion control provisions have been completed.</p> <p>Public Works Recommendation</p>	<p>Public Works</p>	
<p>13. All cut and fill areas required for the construction of the proposed access road shall be included within the access and utility easement pursuant to the County Improvement Standards, which may necessitate a variable width easement greater than 60 feet in width. The location, width, and description of the easements shall be approved by the County Engineer.</p> <p>Public Works Recommendation</p>	<p>Public Works</p>	
<p>14. 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.</p> <p>Public Works Recommendation</p>	<p>Public Works</p>	
<p>15. A stop sign shall be placed onsite at the intersection of the onsite easement road and Yaqui Gulch Road. The stop sign shall be installed on metal breakaway type posts prior to map recordation. The design and placement of signs shall be approved by the County Engineer prior to installation.</p> <p>Public Works Recommendation</p>	<p>Public Works</p>	

<p>16. A road name sign for the northerly onsite easement road shall be placed at the intersection of the onsite easement road and Yaqui Gulch Road prior to map recordation. A road name sign for the southeasterly easement road shall be placed at the intersection of the two onsite easement roads. The design and specifications of the signs shall be in accordance with the Mariposa County Improvement Standards and shall be approved by the County Engineer prior to installation.</p> <p>§16.12.175, County Subdivision Ordinance</p>	<p>Public Works</p>	
<p>17. 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>§16.12.395, Mariposa County Subdivision Code</p>	<p>Public Works</p>	
<p>CONDITION OF APPROVAL / MARIPOSA PLANNING</p>		
<p>18. The onsite easement roads shall be named in accordance with the criteria of County Resolution No. 92-541. A Road Name Request application for each onsite easement road shall be submitted to the Planning Department and be approved by the Planning Director. The name of the road within the project site shall be shown on the parcel map.</p> <p>County Resolution 92-541</p>	<p>Mariposa Planning</p>	
<p>19. Project approval is valid for a period of three years from August 4, 2006. This approval shall expire on August 4, 2009.</p> <p>§16.12.430, Mariposa County Subdivision Code</p>	<p>Mariposa Planning</p>	
<p>20. 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 (\$1,250) and County Clerk fee (\$25) 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 \$1,275.00, 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>§16.12.390, Mariposa County Subdivision Code</p>	<p>Mariposa Planning</p>	

<p>21. 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.</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>Mariposa Planning</p>	
<p>22. Prior to the recordation of the parcel map for this project, the applicant shall have a cultural resources survey done for proposed Parcels A, B, C, and D by a qualified consultant, and shall provide a copy of the survey to the Planning Department. Any and all mitigation suggested by the consultant shall be incorporated into the project prior to recordation of the parcel map. If the Planning Director determines that incorporating such mitigation eliminates the potential development area on any of the proposed parcels, the applicant shall either merge the affected parcel with an adjacent parcel or shall amend the parcel configuration and return to the Planning Commission with a request to amend the map, accompanied by the required fees and full application for an amended parcel map.</p> <p>Mitigation Measure 5.a.1</p>	<p>Mariposa Planning</p>	
<p>CONDITIONS OF APPROVAL/ HEALTH DEPARTMENT</p>		
<p>23. Prior to recordation of the parcel map for this project, the applicant shall adjust the property line between Parcels B and D as necessary to ensure that the minimum fifty foot setback is met for all portions of the required minimum sewage disposal area based on</p>	<p>County Health</p>	

<p>the percolation tests conducted on proposed Parcel D.</p> <p>Health Department Recommendation</p>		
<p>24. Prior to recordation of the parcel map for this project, the applicant shall demonstrate to the satisfaction of the Mariposa County Health Department that the qualified minimum sewage disposal area for Parcel B meets all required setbacks and that any road construction for the onsite easement roads and cul-de-sacs does not create cuts that would preclude installation of a septic system within the qualified disposal area. The location of the approved qualified septic disposal area shall be staked out by the consultant and shown on a map provided by the surveyor prior to the onsite consultation meeting required by Condition of Approval No. 10. The Mariposa County Health Department shall review and approve the qualified disposal area prior to recordation of the parcel map, and shall confirm with the County Surveyor that this requirement has been met.</p> <p>Health Department Recommendation</p>	<p>County Health</p>	
<p>25. The applicant shall provide representative engineering for a septic disposal system for Parcels A, B, C, and D to the Mariposa County Health Department prior to recordation of the parcel map.</p> <p>Health Department Recommendation</p>	<p>County Health</p>	
<p>26. All parcels of this land division shall be served by special design engineered septic systems. A declaration shall be recorded concurrently with the parcel map, referenced on the parcel map, and made appurtenant to Parcels A, B, C, and D. This declaration shall state the following:</p> <p>“All parcels as shown on the Parcel Map for Fournier, recorded in Book ___ of Parcel Maps at Page ___, Mariposa County Official Records, are required to be served by special design engineered onsite sewage disposal systems. The systems have been designed and a copy of the approved engineering is on file with the Mariposa County Health Department. If an onsite sewage disposal system is proposed for an area other than the pre-approved area, additional testing will be required. The newly selected area must have at least as acceptable of a soil quality and quantity as the pre-approved area.”</p> <p>Health Department Recommendation</p>	<p>County Health</p>	
<p>27. In the event that the qualified septic disposal area cannot meet the minimum required setbacks from proposed property lines, the property lines shall be adjusted or parcels merged to ensure that the minimum setbacks are available. In the event that road</p>	<p>County Health</p>	

<p>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 an adjoining parcel prior to recordation of the parcel map.</p> <p>Health Department Recommendation</p>		
<p>CONDITIONS OF APPROVAL/CALIFORNIA DEPARTMENT OF FORESTRY & FIRE PROTECTION</p>		
<p>28. Prior to recordation of the parcel map, all applicable State Fire Safe Regulations shall be met. A letter shall be submitted to the County Surveyor by CDF stating this condition has been met.</p>	<p>CDF</p>	
<p>MITIGATION MEASURES</p>		
<p>29. Prior to the recordation of the parcel map for this project, 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 in the area of construction activity 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.</p> <p>Mitigation Measure 4.e.1</p>	<p>Mariposa Planning</p>	
<p>REMAINDER CONDITIONS</p>		
<p>30. If the remainder is not shown on the recorded parcel map, then the applicant or agent shall provide the County Surveyor with a legal description (typed, stamped and signed legal descriptions along with lot closure computations) of the remainder. This shall occur prior to recordation of the certificate of compliance for the</p>	<p>Public Works</p>	

<p>remainder.</p>		
<p>31. At the time of the recordation of the Certificate of Compliance for the remainder, the on-site access road from Yaqui Gulch Road to the remainder shall meet a minimum of a Rural Class IA SRA standard. The required road improvements shall be completed in accordance with the County Road Improvement and Circulation Policy and the County Improvement Standards. A letter from the Public Works Department stating this condition has been met shall be submitted to the Planning Department prior to the recordation of the Certificate of Compliance. All costs for Public Works road inspections shall be the responsibility of the applicants.</p>	<p>Public Works</p>	
<p>32. The turnaround located at Parcel A and the Remainder as shown on the parcel map shall be improved to meet county standards and shall meet this standard at the time of the recordation of the certificate of compliance for the Remainder. The required turnaround 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 prior to the recordation of the parcel map (Road Improvement and Circulation Policy, Public Works and Planning Recommendation, CDF Requirement).</p>	<p>Public Works</p>	
<p>33. Upon completion of the required road improvements for the Remainder, the applicant shall re-vegetate all exposed soils and install other erosion control as recommended by the Natural Resources Conservation Service/Resource Conservation District (NRCS/RCD). The applicant shall also contact NRCS/RCD or Public Works for an inspection. Inspection fees shall be the responsibility of the applicant. A letter shall be submitted to the Planning Department from NRCS/RCD or the Public Works Department stating that the re-vegetation control provisions have been completed prior to the recordation of the Certificate of Compliance for the Remainder.</p>	<p>Public Works</p>	
<p>34. A declaration shall be recorded with the parcel map and shall be referenced on the parcel map: "A Certificate of Compliance for the Remainder as shown on the Parcel Map for Fournier recorded in Book ___ of Parcel Maps at Page ___, Mariposa County Official Records, must be obtained prior to issuance of a development permit on the designated Remainder in accordance with Section 16.04.030 of Mariposa County Code." §16.04.030, County Subdivision Ordinance</p>	<p>Planning</p>	
<p>35. A declaration shall be recorded concurrently with and referenced</p>	<p>Planning</p>	

<p>on the parcel map stating:</p> <p>“There shall be no county development permit (including, but not limited to a well permit, a septic permit, a grading permit, and/or a structure permit) issued to the Remainder as shown on the Parcel Map for Fournier, recorded in Book ____ of Parcel Maps at Page ____, Mariposa County Records, until all of the subdivision conditions for the remainder as established by the Planning Commission have been met. The Remainder is not a parcel available for sale, lease or finance until all of the subdivision conditions for the remainder have been met. The remainder may or may not be surveyed.”</p>		
RECOMMENDATION ON OFFERS OF DEDICATION		
<p>Staff recommends that the Planning Commission recommend that the Public Works Director accept the offer of dedication for public utilities, but reject the offer for public maintenance of the onsite easement road.</p> <p>Mariposa Planning Recommendation</p>	<p>Public Works</p>	

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	Jerry Freeman	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
Regional Water Quality Control Board	JoAnne Kipps	559-445-5035	1685 E Street Fresno CA 93706	Same as site
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	Blaine Shultz	209-966-4330	5082 Bullion Street Mariposa CA 95338	P.O. Box 162 Mariposa CA 95338
Cal. Dept of Forestry	Don Stein	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

Land Division Application No. 2004-214

MITIGATION MEASURE 4.e.1.

Prior to the recordation of the parcel map for this project, 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 in the area of construction activity 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.

Monitoring for Mitigation Measure 4.e.1: The applicant shall hire a qualified professional to prepare the Oak Tree Plan as described above, including only the trees in the area of construction; that plan shall be submitted to Mariposa Planning prior to the recordation of the parcel map for this project. Planning shall review and approve the Plan, and shall write a letter to the County Surveyor confirming that the Plan has been approved, prior to recordation of the parcel map for this project.

Alternatively, the applicant may choose not to remove any oak trees during road construction. The applicant shall confirm that no oak trees are to be removed, and shall inform Planning in writing of this decision. Planning shall then write to the County Surveyor waiving the requirement and confirming that the condition has been satisfied prior to recordation of the parcel map for this project.

MITIGATION MEASURE 5.A.1.

Prior to the recordation of the parcel map for this project, the applicant shall have a cultural resources survey done for the property by a qualified consultant, and shall provide a copy of the survey to the Planning Department. Any and all mitigation suggested by the consultant shall be incorporated into the project prior to recordation of the parcel map. If the Planning Director determines that incorporating such mitigation eliminates the potential development area on any of the proposed parcels, the applicant shall either merge the affected parcel with an adjacent parcel or shall amend the parcel configuration and return to the Planning Commission with a request to amend the map, accompanied by the required fees and full application for an amended parcel map.

Monitoring for Mitigation Measure 5.a.1: The applicant shall hire a qualified professional to prepare the cultural resources survey as described above,

including Parcels A, B, C, and D and all portions of the onsite road easements; that survey shall be submitted to Mariposa Planning prior to the recordation of the parcel map for the project. Planning shall review the survey and shall inform the applicant of any mitigation recommended by the survey consultant that needs to be incorporated into the project (for instance, if an open space easement needs to be recorded and shown on the final map). This mitigation shall be incorporated into the project, and Planning shall review and approve the completed mitigation prior to recordation of the parcel map. Planning shall write a letter to the County Surveyor confirming that the cultural resource survey has been performed and all necessary work has been completed.