

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

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution
No. 2006-48

A resolution recommending approval for GPZA No. 2005-252 and Subdivision No. 2005-253 Bret and Teri Willis, applicants. Assessor Parcel Numbers 008-350-065; 008-240-038.

WHEREAS an application for GPZA No. 2005-252 and Subdivision No. 2005-253 was received on December 8, 2005 from Bret and Teri Willis for a property located at 5725 Colorado Road, also known as Assessor Parcel Numbers 008-350-065 and 008-240-038; and

WHEREAS the application proposes to change the zoning designation of 2 parcels consisting of 230.47 acres from the Mountain Home zoning designation (5 acre minimum) to the Mountain Transition zoning designation (20 acre minimum), and a major subdivision of the property resulting in 10 parcels. Site address is 5725 Colorado Road, APNs 008-350-065 and 008-240-038; and

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

WHEREAS a duly noticed public hearing was scheduled for the 8th of September, 2006; 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 Staff Report, Initial Study, testimony presented by the public concerning the application, and the comments of the applicant. The Planning Commission continued the project to the September 22, 2006 meeting to allow staff to gather additional information concerning possible project related impacts to Colorado Road and Whitlock Road; and

WHEREAS the Planning Commission did hold a public hearing in September 22, 2006 and considered testimony from the Public Works Director regarding impacts to the Colorado Road and Whitlock Road. The Public Works Director presented accident history, sight distance, and maintenance information to the commission. Additionally, the applicants proposed additional improvements to the intersection of Colorado Road and Whitlock Road to lessen any project related impacts; and

NOW THEREFORE, BE IT RESOLVED THAT the Planning Commission of the County of Mariposa does hereby recommend that the Board of Supervisors adopt a Mitigated Negative Declaration pursuant to CEQA review.

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby recommend that the Board of Supervisors approve GPZA No. 2005-252 and Major Subdivision No. 2005-253.

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission recommends approval of The General Plan Zoning Amendment based upon the findings set forth in Exhibit 1 and recommends approval of the Major Subdivision Application based upon the findings set forth in Exhibit 1 with the terms, conditions and mitigation measures set forth in Exhibit 2.

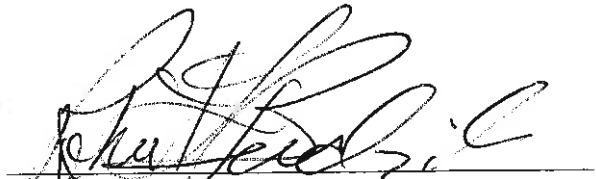
ON MOTION BY Commissioner Skyrud, seconded by Commissioner DeSantis, this resolution is duly passed and adopted this by the following vote:

AYES: Commissioners DeSantis, Skyrud, Rudzik, Hagen

NOES:

EXCUSED: Commissioner Ross

ABSTAIN:


Robert L Rudzik, Chair
Mariposa County Planning Commission

Attest:


Carol Suggs, Secretary to the
Mariposa County Planning Commission

EXHIBIT 1
RECOMMENDED PROJECT FINDINGS
FOR
GPZA No. 2005-252 and Subdivision No. 2005-253

In keeping with Section 2.504 of the Mariposa County General Plan and Section 17.128.050 of the Mariposa County Zoning Code, the following findings are made for General Plan Zoning Amendment Application No. 2005-252:

Findings for Approval of General Plan Zoning Amendment No. 2005-252

1. **FINDING:** This amendment is in the general public interest, and will not have a significant adverse affect on the general public health, safety, peace, and welfare.

EVIDENCE: *"This amendment is in the general public interest".* This project will increase the minimum parcel size from 5 acres to 20 acres which will provide additional open space. There will be reduced potential impacts on the Saxon Creek watershed and the environment in general as the parcels will be larger. *"This amendment ... will not have a significant adverse affect on the general public, safety, peace, and welfare".* The project has adequate access from a proposed easement road to a county maintained road. The project abides by CDF dead end road length limits with the propose zoning designation of Mountain Transition. CDF would not support a future GPZA for any of the parcels in the subdivision to change back to Mountain Home as the increased density on the easement road would put people and property at risk in case of a wild fire emergency. Adequate provisions for water and septic will be provided on the project site to ensure that the area will not be negatively impacted.

2. **FINDING:** This amendment is desirable for the purpose of improving the Mariposa County General Plan with respect to providing a long term guide for County development and a short term basis for day-to-day decision making.

EVIDENCE: This amendment will help preserve the "rural mountain lifestyle" that the General Plan attempts to promote. The Mountain Transition Zoning designation is appropriate for the subject parcels due to limited development potential associated with steep slopes and access difficulties. The GPZA will improve the Mariposa County General Plan because the subject parcels are more suited for the Mountain Transition zone as described in the General Plan section 3.502 than their current zoning of Mountain Home.

3. **FINDING:** This amendment conforms to the requirements of State law and County policy.

EVIDENCE: State law governing the adoption of general plans requires that the adopted plan include provisions for amendments. Those provisions are included in the adopted Mariposa County General Plan and in the Mariposa County Zoning Code. This application has been processed in accordance with all requirements of State laws and local ordinances.

4. **FINDING:** This amendment is consistent with other guiding policies, goals, policies and standards of the Mariposa County General Plan.

EVIDENCE: This amendment is consistent with the policies, goals and standards in that it applies an appropriate zoning to the property, thereby allowing development of suitable home sites that would not otherwise be available. By increasing the minimum parcel size the amendment is effectively increasing the amount of open space and decreasing the potential impact on the environment. Implementation of this amendment and subdivision will create parcels which will provide the citizens of Mariposa County with clean, safe, and economical building sites. Mountain transition zoning, rather than Mountain Home zoning, will result in larger parcels which will help preserve, protect, and promote sensible development of the county's natural resources.

Findings for Approval of Major Subdivision Application No. 2005-253

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 10 parcels that are all above 20 acres, the site is physically suited for low-density homes and appurtenant improvements such as septic systems provided that the conditions of approval regarding the septic systems and approved locations are met. The subdivision density is designed in accordance with the Proposed Mountain Transition 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 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 and based on the biological survey prepared for this project, there are no special, rare, or endangered animal or plant species, or wildlife resources located on the project site or in 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 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 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 parcels are acceptably designed. There are portions of Parcels 8, 9, and 10 that do not conform to the Planning Commission 4:1 length to width ratio. However, due to the large size of the parcels there is a significant amount of usable area for home sites and other residential uses.

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.

EXHIBIT 2
RECOMMENDED CONDITIONS OF APPROVAL
FOR
GPZA No. 2005-252 and Subdivision No. 2005-253

Project Name: Bret and Teri Willis
Project Recommendation Date: September 22, 2006

File Number: GPZA # 2005-252,
Major Sub # 2005-253

The Planning Commission recommends that the Board of Supervisors approve the following conditions of approval and mitigation measures 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 and mitigation measures have been complied with and implemented, and fulfills the County of Mariposa's Mitigation Monitoring requirements with respect to Assembly Bill 3180 (Public Resources Code Section 21081.6)

Sign-Off Checklist for Conditions of Approval

Approved Project Description: The applicants are proposing a General Plan Zoning Amendment changing the zoning designation of 2 parcels from Mountain Home (5 acre minimum) to Mountain Transition (20 acre minimum). The subject parcels are APN 008-350-066 (150 acres) and APN 008-240-038 (80.47 acres). In addition, the applicants are proposing a Major Subdivision resulting in 10 parcels: Parcel 1 is 20.3 acres, Parcel 2 is 20.5 acres, Parcel 3 is 20.5 acres, Parcel 4 is 20.3 acres, Parcel 5 is 20.3 acres, Parcel 6 is 21 acres, Parcel 7 is 21.1 acres, Parcel 8 is 25 acres, Parcel 9 is 25.2 acres, and Parcel 10 is 35.2 acres.

The applicants additionally propose to:

1: Cut back the bank and remove a tree within the Whitlock Road right-of-way on the west side of the intersection of Colorado Road and Whitlock Road on. These improvements will improve sight distance for the intersection.

2: Create a 40 foot non-exclusive easement for the sole benefit of the parcels created by Parcel Map Book 8, Page 35. The easement shall be located on Parcels 9 and 10 from the driveway easement on Parcel 10 north along the 10-20 foot dirt road to the northern parcel boundary of Parcel 9.

3: Applicants propose to donate \$5,000 to fund improvements and maintenance of Colorado Road. The Public Works department will hold the money in an earmarked fund for Colorado Road.

These proposals will be completed prior to the recordation of the Final Map.

CONDITIONS OF APPROVAL / PUBLIC WORKS DEPARTMENT	MONITORING DEPARTMENT	VERIFIED IMPLEMENTED
<p>1. The onsite easement from Colorado Road to the common property corner of Parcels 6, 7, 8, 9, and 10 shall be made 60 foot wide and non-exclusive. A cul-de-sac easement with a radius of 60 feet shall be provided to encompass the required cul-de-sac improvements at the terminus of the easement road. Additional easement width may be required to encompass the required road improvements such as turnouts and associated cuts and fills, in accordance with the County Improvement Standards and Road Improvement and Circulation Policy. 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. The easements shall be offered for dedication to the County of Mariposa. The offers of dedication shall be non-revocable and specifically state on the final map that the dedications are for "public road and utility purposes." (Section 16.12.160.B, County Subdivision Ordinance; Road Standard Cross-sections, Road Improvement and Circulation Policy).</p> <p>The Planning Commission recommends that the Board of Supervisors recommend that the Public Works Director accept the offer of dedication for public access and utilities, but reject the offer for public maintenance for the on-site access roads.</p>	Public Works	
<p>2. A dedication of a minimum of thirty (30) feet from the centerline of Colorado Road that is adjacent to the subject property shall be offered to the County of Mariposa. The offer of dedication shall be non-revocable and specifically state on the Final 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. The offer of dedication shall include all dedication required to encompass the existing slopes.</p> <p>[COUNTY SUBDIVISION ORDINANCE SECTION 16.12.150, ROAD IMPROVEMENT AND CIRCULATION POLICY SECTION II.A.3]</p> <p>The Planning Commission recommends that the Public Works Director accept the offer of dedication for public access, maintenance, and utilities for Colorado Road.</p>	Public Works	
<p>3. The driveway easement along the common boundary of Parcels 8 and 9 from the cul-de-sac across Saxon Creek to the existing dirt track and west along the dirt track to the western boundary of Parcel 10 shall be made a minimum of 40 feet wide and non-exclusive. The easement shall be designated for access for the use and benefit of Parcels 8, 9, 10, and offsite parcels that currently use the dirt track as access. Additional easement width may be required</p>	Public Works	

<p>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. 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 40 feet in width. The location, width, and description of the easements shall be approved by the County Engineer. 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 final 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 (Section 16.12.160.B, County Subdivision Ordinance; Section II.A.3, Road Improvement and Circulation Policy).</p>		
<p>4. The driveway easement from the proposed 60 foot wide easement on Parcel 1 to Parcel 2 shall be made variable width and non-exclusive. The easement shall be designated for access for the use and benefit of Parcel 2. Prior to map recordation, the location and width of the easements shall be approved by the County Engineer (Section 16.12.160.B, County Subdivision Ordinance; Section II.A.3, Road Improvement and Circulation Policy).</p>	Public Works	
<p>5. The easement from Colorado Road to the easternmost property boundary between Parcels 5 and 6 shall be improved to a Rural Class II SRA 'B' standard and the easement from the eastern most boundary between Parcels 5 and 6 to the cul-de-sac shall be improved to a Rural Class I SRA "A" standard. These standards shall be met at the time of final 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 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>[County Subdivision Ordinance Section 16.12.170, Road Improvement and Circulation Policy Chart A and Section II.D.]</p>	Public Works	
<p>6. The driveway easement along the common property line of parcels 8 and 9 from the cul-de-sac across Saxon Creek to the existing 12 foot track west to the eastern boundary of Parcel 10 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</p>	Public Works	

<p>Standards and shall be approved by the County Engineer prior to the recordation of the final 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>(Section 16.12.170, County Subdivision Ordinance; Chart A and Section II.D.2.a, Road Improvement and Circulation Policy)</p>		
<p>7. Access to parcels 8, 9, and 10 shall be limited to the proposed onsite easement road. A declaration shall be recorded with the final map, referenced on the final map and made appurtenant to Parcels 8, 9, and 10. The declaration shall state the following:</p> <p>“Approved access for residential development of Parcels 8, 9, and 10 is from the onsite easement road.”</p> <p>The County Engineer will confirm that this condition has been complied with prior to map recordation.</p>	Public Works	
<p>8. A cul-de-sac shall be constructed at the terminus of the on-site easement road at the common parcel corner of Parcels 6, 7, 8, 9, and 10. The cul-de-sac shall be constructed to meet county standards and shall meet this standard at the time of final map recordation. The required cul-de-sac improvements shall be completed in accordance with the Road Improvement and Circulation Policy and the County Improvement Standards and shall be inspected and approved by the County Engineer prior to recordation of the parcel map. If construction of a cul-de-sac is impractical due to the on-site terrain as determined by the County Engineer with the concurrence of 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>[County Subdivision Ordinance Section 16.12.170, Road Improvement and Circulation Policy Chart A and Section II.A.2, County Improvement Standards, Section 11.4(9) & Section 11.4 (10)]</p>	Public Works	
<p>9. An encroachment permit shall be obtained from the Mariposa County Public Works Department prior to any work being done on or adjacent to Colorado 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</p>	Public Works	

<p>to commencement of construction work on the required road improvements.</p> <p>[Road Improvement and Circulation Policy Section II.c.5 & County Improvement Standards Section 11]</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, 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 boundaries of the proposed easement on Parcel 1 shall be flagged in the field at intervals of 50 feet. Flagging shall be placed by the project surveyor. This flagging shall be maintained until the road improvements have been completed and approved by Public Works. 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>[County Improvement Standards, section 3 & section 11.3(c)]</p>	<p>Public Works</p>	
<p>11. 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 requires that the applicant submit improvement plans for Parcels 6 and 7 prepared by a licensed civil engineer and a drainage plan for the Saxon Creek crossing prepared by a licensed engineer; the plans shall be approved by the County Engineer prior to commencement of construction work on the required road improvements and prior to the pre-construction meeting with Public Works. If the applicant cannot comply with the improvement standards then a revised tentative map will be required.</p> <p>County Subdivision Ordinance 16.12.180</p>	<p>Public Works</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 Resource Conservation District (RCD). The applicant shall also contact RCD for an inspection. Inspection fees shall be the responsibility of the applicant. 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>Public Works</p>	

<p>[County Improvement Standards, Section 12]</p>		
<p>13. 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>[Road Improvement and Circulation Policy Section III.A., County Improvement Standards Section 11.5(D)]</p>	<p>Public Works</p>	
<p>14. Prior to recordation of the final map for this project, a STOP sign shall be placed at the intersection of the on site easement and Colorado Road. The design and placement of this STOP sign shall be approved by the County Engineer prior to installation.</p> <p>[Road Improvement and Circulation Policy Section III.A., County Improvement Standards Section 11.5(D)]</p>	<p>Public Works</p>	
<p>15. If the onsite easement road is accepted by the County for public access but not for maintenance, a sign stating "THIS ROAD IS NOT COUNTY MAINTAINED" shall be installed at the intersection of the easement road and Colorado Road prior to map recordation. The design and specifications of the sign shall be in accordance with the County Improvement Standards and shall be approved by the County engineer prior to installation.</p> <p>[Road Improvement and Circulation Policy Section III.A., County Improvement Standards Section 11.5(D)]</p>	<p>Public Works</p>	
<p>16. A road name sign for the on-site easement road shall be placed at the intersection of the easement road and Colorado Road prior to map recordation. The design and specifications of the sign shall be in accordance with the Mariposa County Improvement Standards and shall be approved by the County engineer prior to installation.</p> <p>[County Subdivision Ordinance Section 16.12.175; County Improvement Standards Section 11.5(D)]</p>	<p>Public Works</p>	
<p>17. A road maintenance association shall be formed to provide for the maintenance of the road in the onsite easement. 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> <p>a. Be in effect for the life of the parcels unless said maintenance is taken over by the County, a special district, or other governmental entity.</p>	<p>Public Works</p>	

<p>b. Provide for annual maintenance and the immediate correction of emergency and hazard situations.</p> <p>c. Include 100% of the parcels in the subdivision served by the access road.</p> <p>d. Provide a mechanism for the road maintenance association to collect delinquent payments or assessments for the maintenance described above by filing a lien on the delinquent properties with the power of sale.</p> <p>e. Provide a mechanism for new parcels to be added to the association.</p> <p>Public Works Department Recommendation: Section II.I.3, Road Improvement and Circulation Policy)</p>		
<p>18. A Verification of Taxes Paid Form, acquired no sooner than 30-days prior to the recordation of the final map, shall be submitted to the County Surveyor.</p> <p>[County Subdivision Ordinance Section 16.12.395]</p>	Public Works	
<p>CONDITION OF APPROVAL / MARIPOSA PLANNING</p>	<p><i>MONITORING DEPARTMENT</i></p>	<p><i>VERIFIED IMPLEMENTED</i></p>
<p>19. This project will be completed with the recordation of a Final Map pursuant to Section 66426 of the California Government Code.</p> <p>Planning Requirement</p>	Mariposa Planning	
<p>20. This project has been approved by the Mariposa County Board of Supervisors on <u><<insert approval date>></u>. This approval shall expire on <u><<insert expiration date>></u>.</p>	Mariposa Planning	
<p>21. As a precautionary note the following shall be stated on the front of the Final Map and made appurtenant to all parcels.</p> <p>“A General Plan Zoning Amendment proposing to change any parcel to the Mountain Home Zoning Designation would violate CDF dead end road length limits if a through road is not provided.”</p> <p>Finding 1</p>	Mariposa Planning	
<p>22. 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.</p>	Mariposa Planning	

<p>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>[County Ordinance No. 1017]</p>		
<p>23. The onsite easement road shall be named in accordance with the criteria of County Resolution No. 92-541. A Road Name Request application shall be submitted to the Planning Department and be approved by the Planning Director. The name of the road shall be shown on the Final Map.</p> <p>[County Resolution No. 92-541]</p>	<p>Mariposa Planning</p>	
<p>24. A drainage easement shall be established and shown on the Parcel map for Saxon Creek as well as the 2 ponds located on Parcel 10. The width of the easement for Saxon Creek shall be 50 feet from the centerline on each side of the creek to protect native plants and amphibians and allow deer movement. The easement for the 2 ponds shall be 50 feet from the high water mark. A statement shall be recorded in Official Records concurrently with the parcel map and referenced on the parcel map as follows and made appurtenant to Parcels 6, 7, 8, 9, and 10.</p> <p>"No structure shall be constructed within the open space easement as shown on the Final Map for ____, recorded in Mariposa County Official Records as Record of Survey No. ____ on <<date>>. No portions of a sewage disposal system shall be constructed within the open space easement. No grading shall be allowed within the easement, 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</p>	<p>Mariposa Planning</p>	

<p>may also be constructed within the open space easement subject to approval by the Planning Director. No vegetation may be removed from the easement except as determined necessary for fire protection or other safety purposes as determined by the appropriate emergency services agency and the Planning Director. This easement shall be in perpetuity and shall restrict the use of the land within the easement.”</p> <p>Mitigation Measure</p>		
<p>25. Prior to the recordation of the Final Map the applicants shall hire a Historic Resources Consultant that meets the minimum qualifications set forth by the Central California Information Center (CCIC) to conduct a cultural resource survey of the subject property. The applicant shall present the results of the survey to the Planning Director to demonstrate that this condition has been met. If the survey discovers cultural resources then an open space easement shall be designated on the parcel map for the identified resource site and a declaration shall be recorded and referenced on the parcel map. The easement shall be clearly shown on the final map and shall be established a minimum of five (5) feet from all portions of the site, although additional easement width may be required by the Planning Director. The easement, including its location and width, shall be approved by the Planning Director. A declaration shall be recorded prior to or concurrent with the recordation of the final map which states:</p> <p>“Grading, driveways, roads, and structures shall be prohibited within the open space easement. Cultural resources shall not be altered, disturbed, removed, or destroyed. If archeological materials are uncovered during future ground disturbance or construction, Mariposa County authorities and/or a qualified archeologist should be notified immediately.”</p> <p>Mitigation Measure</p>	<p>Mariposa Planning</p>	
<p>26. The applicant has the option to:</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 a plan for replacing the removed oak trees.</p> <p>The Public Works Department will determine which option is</p>	<p>Mariposa Planning</p>	

<p>appropriate during the onsite pre-construction meeting with the applicant.</p> <p>Planning Department Requirement</p>		
<p>27. Prior to recordation of the Final 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 (\$1,500) 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 \$1,550.00, 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; 711.4(c) of the State Fish and Game code</p>	<p>Mariposa Planning</p>	
<p>CONDITION OF APPROVAL/ HEALTH DEPARTMENT</p>	<p><i>MONITORING DEPARTMENT</i></p>	<p><i>VERIFIED IMPLEMENTED</i></p>
<p>28. Percolation tests and soils analysis tests shall be performed on all parcels except Parcels 2 and 10 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 R.E.H.S. prior to recordation of the parcel map. A letter from the County R.E.H.S. shall be submitted to the County Surveyor stating that approved percolation tests and soils analysis tests have been performed on the parcels. A statement shall be recorded in Official Records concurrently with the final map and referenced on the final map as follows:</p> <p>"Approved percolation tests and soils analysis tests have been performed on parcels _____ as shown on the Final Map for ____, recorded in Mariposa County Official Records as Record of Survey No. ____ on <<date>>, 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 test, additional percolation tests and design recommendations may be required."</p> <p>(Section 16.12.330, County Subdivision Ordinance; Health</p>	<p>Health Department</p>	

Department Recommendation)		
<p style="text-align: center;">CONDITION OF APPROVAL/</p> <p>CALIFORNIA DEPARTMENT OF FOREST AND FIRE PROTECTION</p>	<p style="text-align: center;"><i>MONITORING DEPARTMENT</i></p>	<p style="text-align: center;"><i>VERIFIED IMPLEMENTED</i></p>
<p>29. Prior to Final Map recordation, the applicant shall have complied with all applicable SRA Fire Safe Regulations. A document shall be recorded and referenced on the Final Map that states:</p> <p>“Future residential development on all the parcels as shown on the Final Map for _____, recorded in Mariposa County Official Records as Record of Survey No. ___ on <<date>> 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 Fire Safe Guide</p>	<p>California Department of Forestry and Fire Protection</p>	