

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

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution
No. 2006-61

A resolution conditionally approving Land Division Application No. 2005-229, Michael and Diane Chaulklin, applicants. Assessor Parcel Number 001-140-008.

WHEREAS an application for a land division was received on November 9, 2005 from Michael and Diane Chaulklin for a property located at 5614 HWY 132, also known as Assessor Parcel Numbers 001-140-008 and

WHEREAS Land Division Application No. 2005-229 proposes to divide a 25.27 acre parcel into four parcels and a remainder; Parcel A is 5.02 acres, Parcel B is 5.05 acres, Parcel C is 5.16 acres, Parcel D is 5.63 acres, and the remainder is 5 acres. Property is zoned Mountain Home with a minimum parcel size of 5 acres. Subject parcel is undeveloped except for a well on the remainder; the proposed easement road is also partially completed. Parcel A will utilize an existing driveway from Highway 132; Parcels B,C, and D will gain access from a proposed easement road shown as "Quite Brook Lane" on the Tentative Parcel Map that encroaches onto Highway 132. In a written amendment to the project description, the applicants have proposed to extend the easement for Quite Brook Lane to the southern boundary of Parcel D to provide access to an offsite parcel. The remainder will gain access from a 50 foot easement road located along the northern boundary of Parcel C that intersects with Quite Brook Lane; and

WHEREAS the County Zoning Code and Subdivision Ordinance provides for the subdividing of land into 5 acres in the Mountain Home Zone, and

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

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

WHEREAS during the Initial Study environmental review there was identified a potential impact related to possible adverse affects to riparian vegetation along the east fork of Piney Creek, and a mitigation measure was imposed to reduce this potential impact to a less than significant level, 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 a duly noticed public hearing was scheduled for November 3rd 2006. The applicant chose to continue the project to the December 1st, 2006 public hearing; and

WHEREAS the Planning Commission did hold a public hearing on December 1, 2006 and considered all of the information in the public record, including the Initial Study and Staff Report, testimony presented by the public concerning the application, and the comments of the applicant, and

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

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby approve LDA 2006-229; and

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


ON MOTION BY Commissioner Ross seconded by Commissioner Hagan, this resolution is duly passed and adopted this 1st of December, 2006 by the following vote:

AYES: Commissioners Ross, Hagen, De Santis, Rudzik, Skyrud

NOES:

EXCUSED:

ABSTAIN:



Robert L. Rudzik, Chair
Mariposa County Planning Commission

Attest:



Carol Suggs, Secretary to the
Mariposa County Planning Commission

EXHIBIT 1
PROJECT FINDINGS
FOR
LAND DIVISION APPLICATION #2005-229

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

EVIDENCE: Based on site inspection and the proposed division of the existing parcel into four parcels 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.

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

EVIDENCE: The Initial Study prepared for the project found that it would have a less than significant effect on the environment with appropriate mitigation measures. An open space easement 50 feet on both sides of the centerline of the east fork of Piney Creek is recommended to minimize significant impact to riparian vegetation and sensitive habitats.

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.

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. An utility easement is recommended along onsite power lines to provide for access by utility companies.

7. **FINDING:** The Planning Commission approves the project as a “Tentative Parcel Map”.

EVIDENCE: The Planning Commission would not waive the submittal requirements for a Vesting Tentative Map as written in Section 16.10.050 of the Mariposa County Subdivision Ordinance which was requested by the applicants. Instead of denying the project due to an incomplete application, the Planning Commission, with the approval of the applicant, approved the project as a Tentative Parcel Map. Therefore the vested development rights associated with a Vesting Tentative Parcel Map are not applied to the project.

EXHIBIT 2
CONDITIONS OF APPROVAL AND MITIGATION MEASURES
FOR
LAND DIVISION APPLICATION #2005-229

Project Name: Chaulklin File Number: LDA No. 2006-229

Project Approval Date: December 1, 2006

The following conditions of approval were approved for this project in order to ensure compliance with county codes and policies. A completed and signed checklist indicates that the conditions have been complied with and implemented.

Sign-Off Checklist for List of Conditions of Approval and Mitigation Measures

Approved project description:

Land Division Application No. 2005-229 proposes to divide a 25.27 acre parcel into four parcels and a remainder; Parcel A is 5.02 acres, Parcel B is 5.05 acres, Parcel C is 5.16 acres, Parcel D is 5.63 acres, and the remainder is 5 acres. Property is zoned Mountain Home with a minimum parcel size of 5 acres. Subject parcel is undeveloped except for a well on the remainder; the proposed easement road is also partially completed.

In a written amendment to the project description, the applicants have proposed to extend the 60 foot easement for Quiet Brook Lane to the southern boundary of Parcel D to provide access to an offsite parcel.

	Monitoring Dept.	Verified Implemented
--	-----------------------------	---------------------------------

CONDITIONS OF APPROVAL / PUBLIC WORKS DEPARTMENT

<p>1. Quiet Brook Lane from Highway 132 to the southern boundary of Parcel D 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 on Parcel D. 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-revocable and specifically state on the <i>parcel</i> 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 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>	<p>Public Works</p>	
<p>2. Easement #2 shall be made a minimum 50 foot wide and non-exclusive from Quiet Brook Lane to the Remainder. A cul-de-sac easement with a radius of 60 feet shall be provided at the terminus of the easement to encompass the required cul-de-sac improvements. The easements shall be designated for the access, use, and benefit of the remainder. 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. 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 <i>parcel</i> 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>Public Works</p>	

<p>3. Quiet Brook Lane from Highway 132 to the cul-de-sac on Parcel D as shown on the tentative map shall be improved to a Rural Class II SRA "B" 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 (Section 16.12.170, County Subdivision Ordinance; Chart A and Section II.D.2.a, Road Improvement and Circulation Policy).</p>	Public Works	
<p>4. A cul-de-sac shall be constructed within the cul-de-sac easement at the terminus of the road improvements for Quiet Brook Lane on Parcel D as indicated on the tentative map. The cul-de-sac shall be improved to meet county standards and shall meet this standard 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 approved and inspected 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 parcel map, the County Surveyor shall confirm that this condition has been met.</p>	Public Works	
<p>5. A public utility easement 10 feet on each side of the onsite power lines shall be shown on the Parcel Map; 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 easement shall be approved by the County Engineer</p>	Public Works	

<p>(Section 16.12.160.B, County Subdivision Ordinance; Section II.A.3, Road Improvement and Circulation Policy).</p>		
<p>6. Prior to the commencement of any road improvements, road construction or other road building or maintenance activities required as a condition of approval for this project and prior to issuance of any encroachment permit for the required improvements, a consultation meeting with the Public Works Department, CDF, CalTrans, the applicant, the agent, and the road contractor shall occur. This meeting shall be conducted on-site. This consultation meeting shall be setup 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 or encroachment 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>Public Works</p>	
<p>7. Immediately upon completion of the required road and encroachment improvements, the applicant shall re-vegetate all exposed soils and install other erosion control as recommended by the 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 applicants. A letter shall be submitted to the County Surveyor by NRCS/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>8. 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>9. A road maintenance association shall be formed to provide for the maintenance of the onsite easement roads. 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"> 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. 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. 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 Department Recommendation; Section II.I.3, Road</p>	<p>Public Works</p>	

Improvement and Circulation Policy)		
<p>10. All required signs, with the exception of 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>	Public Works	
<p>11. A road name sign for Quiet Brook Lane 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>	Public Works	
<p>12. A stop sign shall be placed at the intersection of Quiet Brook Lane Highway 132. 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>	Public Works	

Resolution 2006-61 Land Division Application #2005-229, Chaulklin, applicants.

APN: 001-140-008

Planning Commission hearing date: December 1, 2006

Page 12 of 22 pages

<p>13. A sign stating "THIS ROAD IS NOT COUNTY MAINTAINED" shall be installed 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 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>14. Encroachment permits shall be obtained from Caltrans for the existing driveway on Parcel A and Quiet Brook Lane 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>CONDITION OF APPROVAL / MARIPOSA PLANNING</p>		
<p>15. The road name "Quiet Brook Lane" 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>16. A declaration shall be recorded with the parcel map and shall 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 _____ recorded in Book _____ at Page _____, Mariposa County Records, in accordance with Section 16.04.030 of</p>	<p>Mariposa Planning</p>	

<p>Mariposa County Code."</p> <p>§16.04.030, Mariposa County Subdivision Code</p>		
<p>17. A declaration shall be recorded concurrently with and referenced on the parcel map and made appurtenant to the remainder 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 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>	Mariposa Planning	
<p>18. Prior to recordation of the Parcel Map, all fees associated with the County’s processing of the map and filing of associated documents shall be paid. The Department of Fish and Game filing fee (\$1,250) 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>	Mariposa Planning	

<p>19. 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>	Mariposa Planning	
---	----------------------	--

CONDITION OF APPROVAL / HEALTH DEPARTMENT		
<p>20. Percolation tests and soils analysis tests shall be performed on Parcels A, B, C and D in accordance with Health Department rules and regulations. If the applicant is able to provide evidence to the Health Department of prior percolation testing, and if the Health Department finds that testing to be sufficient for development according to current standards, then no additional testing is required. 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 parcel map and referenced on the parcel map as follows and made appurtenant to all parcels:</p> <p>“Approved percolation tests and soils analysis tests have been performed on Parcels A, B, C, and D as shown on the Parcel Map for Chaulklin, recorded in Book ____ of Parcel Maps at Page ____,</p>	Mariposa Health Department	

Mariposa County Records, to verify the feasibility of installing an on-site septic disposal system. A map identifying the location of the approved percolation tests is on file in the County Health Department. If an on-site septic system is proposed for a portion of a parcel that has not had an approved percolation tests, additional percolation tests and design recommendations may be required.”

§ 16.12.330, County Subdivision Ordinance; Health Department Recommendation

CONDITION OF APPROVAL / CALIFORNIA DEPARTMENT OF FOREST AND FIRE PROTECTION

21. 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:

California
Department
of Forest
and Fire
Protection

“Future residential development on all parcels as shown on the Parcel Map for _____, recorded 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.”

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.

REMAINDER CONDITIONS

<p>22. Easement #2 shall be improved to a Rural Class I SRA "A" standard from Quiet Brook Lane to the Remainder and shall meet this standard prior the issuance of a Certificate of Compliance. 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 prior to 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 (Section 16.12.170, County Subdivision Ordinance; Chart A and Section II.D.2.a, Road Improvement and Circulation Policy).</p>	<p>Public Works</p>	
<p>23. A cul-de-sac shall be constructed at the terminus of the road improvements in Easement #2 at the eastern boundary of the Remainder. The cul-de-sac shall not be located within the open space easement for the east fork of Piney Creek. The cul-de-sac shall be improved to meet county standards and shall meet this standard at the time of issuance of the Certificate of Compliance for the remainder. 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 approved and inspected 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 parcel map, the County Surveyor shall confirm that this condition has been met.</p>	<p>Public Works</p>	
<p>24. Easement #2 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 approved by the Planning Director prior to the recordation of a Certificate of Compliance for the remainder.</p>	<p>Planning</p>	

Resolution 2006-61 Land Division Application #2005-229, Chaulklin, applicants.

APN: **001-140-008**

Planning Commission hearing date: December 1, 2006

Page 18 of 22 pages

<p>(County Resolution No. 92-541).</p>		
<p>25. A stop sign shall be placed at the intersection of Easement #2 and Quiet Brook Lane. The stop sign shall be installed on metal breakaway type posts prior to the issuance of a Certificate of Compliance for the remainder. The design and placement of signs shall be approved by the County engineer prior to installation.</p>	Public Works	
<p>26. A sign stating "THIS ROAD IS NOT COUNTY MAINTAINED" shall be installed at the intersection of Easement #2 and Quiet Brook Lane prior to the issuance of a Certificate of Compliance for the remainder. 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>(Section III.A.4, Road Improvement and Circulation Policy).</p>	Public Works	
<p>27. A road name sign for Easement #2 shall be placed at the intersection of Easement #2 and Quiet Brook Lane prior to the issuance of a Certificate of Compliance for the remainder. 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>(Section 16.12.175, County Subdivision Ordinance).</p>	Public Works	
<p>28. 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) or Public Works. 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</p>	Planning	

<p>the County Surveyor by NRCS/RCD or Public Works stating that the re-vegetation control provisions have been completed prior to the recordation of the Certificate of Compliance for the remainder.</p>		
<p>29. The applicant shall complete one of the following:</p> <p>If the remainder is shown on the Parcel Map then an open space easement shall be established and shown on the Parcel map for the east fork of Piney Creek located on the remainder. The width of the easement shall be 50 feet from the centerline on each side of the creek, to protect native plants and amphibians. A statement shall be recorded in Official Records concurrently with the parcel map and referenced on the parcel map as follows:</p> <p>“No structure shall be constructed within the open space easement as shown on the Parcel Map for _____ recorded in Book _____ at Page _____, Mariposa County Records. 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 may also be constructed within the open space easement subject to approval by the Planning Director. This easement shall be in perpetuity and shall restrict the use of the land within the easement.”</p>	Planning	

<p>OR</p> <p>If the Remainder is not shown on the Parcel Map then an open space easement shall be established 50 feet from the centerline of east fork of Piney Creek located on the remainder prior to the recordation of the Certificate of Compliance for the remainder. The location of the easement shall be approved by the Planning Director prior to recordation of the Certificate of Compliance. A statement shall be recorded in Official Records concurrently with the Certificate of Compliance and referenced on the Certificate of Compliance as follows:</p> <p>“No structure shall be constructed within the open space easement 50 feet on both sides of the centerline of the east fork of Piney Creek. 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 may also be constructed within the open space easement subject to approval by the Planning Director. This easement shall be in perpetuity and shall restrict the use of the land within the easement.”</p>		
<p>30. 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. If the Remainder is not shown on the 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</p>	<p>Public Works</p>	

<p>remainder prior to issuance of Certificate of Compliance.</p> <p>§16.04.030, Mariposa County Subdivision Code</p>		
<p>31. Percolation tests and soils analysis tests shall be performed on the Remainder 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 issuance of a Certificate of Compliance for the Remainder. If the applicant is able to provide evidence to the Health Department of prior percolation testing, and if the Health Department finds that testing to be sufficient for development according to current standards, then no additional testing is required. 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 parcel. A statement shall be recorded in Official Records concurrently with the Certificate of Compliance and referenced on the Certificate of Compliance as follows:</p> <p>“Approved percolation tests and soils analysis tests have been performed on the Remainder as shown on the Parcel Map for ____, recorded in Book ____ of Parcel Maps at Page ____, Mariposa County Records, to verify the feasibility of installing an on-site septic disposal system. A map identifying the location of the approved percolation tests is on file in the County Health Department. If an on-site septic system is proposed for a portion of a parcel that has not had an approved percolation tests, additional percolation tests and design recommendations may be required.”</p> <p>(Section 16.12.330, County Subdivision Ordinance; Health Department Recommendation)</p>	<p>Health Department</p>	

Resolution 2006-61 Land Division Application #2005-229, Chauklin, applicants.

APN: 001-140-008

Planning Commission hearing date: December 1, 2006

Page 22 of 22 pages

Agency Contact List				
AGENCY	CONTACT	PHONE NUMBER	SITE ADDRESS	MAILING ADDRESS
		EMAIL		
Mariposa Planning	Wes McCullough	209-742-1218 wmccullough@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
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	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.