



Mariposa County

MINUTES of the Planning Commission

ACTION SUMMARY MINUTES

MEETING DATE: September 24, 2021
TIME: 9:00 AM
LOCATION: Board Chambers
Mariposa County Government Center
5100 Bullion Street, Second Floor, Mariposa, CA 95338

1. CALL TO ORDER

Attendee Name	Title	Status
Ed Walls	District I Planning Commissioner	Present
Jack Wilmeth	District II Planning Commissioner	Present
Mick Herman	District III Planning Commissioner	Present
Deni Smith	District IV Planning Commissioner	Present
John McCamman	District V Planning Commissioner	Present

2. PLEDGE OF ALLEGIANCE

The Pledge was led by Commissioner Herman.

3. MINUTES APPROVAL

A. Planning Commission – Regular Meeting – July 23, 2021 9:00 AM

By motion of Commissioner Herman, Seconded by Commissioner McCamman, the minutes were approved as presented.

Motion was carried by the following vote:

RESULT: ADOPTED: (5-0)

AYES: Walls, Wilmeth, Herman, Smith, McCamman

4. PUBLIC ADDRESS

Persons wishing to speak on any item of interest within the subject matter or jurisdiction of the Commission that is not on the agenda. NONE.

5. PUBLIC HEARINGS

- A. Public Hearing: Adopt a Resolution Adopting a Mitigated Negative Declaration and Approving Major Subdivision No. 2009-052 with Findings, Conditions, and Mitigation Measures. JCS Capital Resources; Applicant. Request is for Approval of a Major Subdivision that Will Subdivide an Approximately 114.84 Acre Parcel into Twenty-Seven (27) Lots Ranging in Size from 2.50 Acres (Net)

to 16.87 Acres (Gross). Project Parcel is APN 016-110-049 and is Located at 2748 Highway 140 in Catheys Valley. 2021-PCRES-14 Planner: Alvaro Arias

Deputy Director, Alvaro Arias, presented the Commissioners with a memo explaining corrections to conditions, and then presented the project along with a PowerPoint presentation.

Public Comment was received from Tim Miller, Miller Planning

By motion of Commissioner Herman, Seconded by Commissioner McCamman, the Planning Commission adopted a resolution adopting a Mitigated Negative Declaration and approving Major Subdivision Application No. 2009-052 with the recommended findings, conditions, and mitigation measures including the new amended conditions as presented.

Motion was carried by the following vote:

RESULT: ADOPTED: (5-0)

AYES: Walls, Wilmeth, Herman, Smith, McCamman

B. PUBLIC HEARING: Resolution Approving Variance Application No. 2021-055 with Findings and Conditions, including a Finding that the Project is Exempt from Environmental Review; Blessed Hope Wolf, Applicant. Project is Located at 7178 Yosemite Park Way, Yosemite West APN 006-080-0040. 2021-PCRES-15 Planner: Steve Engfer

Senior Planner, Steve Engfer, presented the project along with a PowerPoint presentation.

Public Comment was received by Blessed Hope Wolf (Property owner).

By motion of Commissioner McCamman, Seconded by Commissioner Smith, the Planning Commission adopted a resolution finding that the project is exempt from environmental review and approving Variance Application No. 2021-055 with the recommended findings and conditions.

Motion was carried by the following vote:

RESULT: ADOPTED: (5-0)

AYES: Walls, Wilmeth, Herman, Smith, McCamman

C. PUBLIC HEARING - Adopt a Resolution Recommending the Board of Supervisors: 1) Adopt a Resolution Approving General Plan/Zoning Amendment No. 2017-084 for Special Event Facilities with the Recommended Changes Proposed by the Board of Supervisors on July 27, 2021, with Recommended Findings, Including a Finding the Project is Exempt from Environmental Review, and 2) Waive the First Reading and Introduce an Ordinance Amending County Code Pursuant to County Code Amendment No. 2017-084 with the Recommended Changes Proposed by the Board of Supervisors on July 27, 2021 with Findings 2021-PCRES-16 Planner: Sarah Williams

Planning Director, Sarah Williams, presented the project with a PowerPoint Presentation.

Public Comment was received by Kris Casto.

By motion of Commissioner McCamman, Seconded by Commissioner Herman, the Planning Commission adopted a resolution recommending that the Board of Supervisors adopt a resolution approving General Plan/Zoning Amendment No. 2017-084 for Special Event Facilities with the recommended changes proposed by the Board of Supervisors on July 27, 2021 and three additional changes, and with recommended findings, including a finding the project is exempt from environmental review; and Waive the first reading and introduce an ordinance amending County Code pursuant to County Code Amendment No. 2017-084 with the recommended changes proposed by the Board of Supervisors on July 27, 2021 and three additional changes with findings.

Motion was carried by the following vote:

RESULT: ADOPTED: (5-0)

AYES: Walls, Wilmeth, Herman, Smith, McCamman

6. PLANNING COMMISSIONER INFORMATION

Commissioners Walls and Smith announced they cannot make first meeting in October.

Williams stated that meeting will be cancelled as there was no public hearings scheduled.

7. INFORMATION ITEMS

Information was received from Williams.

8. ADJOURN

There being no further business, Commissioner Walls adjourned the meeting at 10:37 a.m.

Ed Walls, Chair
Mariposa County Planning Commission

Carol Suggs, Secretary
Mariposa County Planning Commission

Note: Full audio recordings of the minutes are available from the Planning Department by request or on-line:

<http://mariposacountyca.iqm2.com/citizens/calendar.aspx?view=list>



Mariposa County

MINUTES of the Planning Commission

ACTION SUMMARY MINUTES

MEETING DATE: July 23, 2021
TIME: 9:00 AM
LOCATION: Board Chambers
 Mariposa County Government Center
 5100 Bullion Street, Second Floor, Mariposa, CA 95338

1. CALL TO ORDER

The meeting was called to order at 9:00 a.m. by Chair Walls.

Attendee Name	Title	Status	Arrived
Ed Walls	District I Planning Commissioner	Present	9:00 AM
Jack Wilmeth	District II Planning Commissioner	Present	9:00 AM
Mick Herman	District III Planning Commissioner	Present	9:00 AM
Deni Smith	District IV Planning Commissioner	Present	9:00 AM
John McCamman	District V Planning Commissioner	Present	9:00 AM

2. PLEDGE OF ALLEGIANCE

The Pledge was led by Commissioner McCamman.

3. MINUTES APPROVAL

A. Planning Commission – Regular Meeting – July 9, 2021 9:00 AM

By motion of Commissioner Herman, seconded by Commissioner Smith, the minutes of July 9, 2021 were approved as presented.

Motion was carried by the following vote:

RESULT: ADOPTED: (4-0)

AYES: Walls, Wilmeth, Herman, Smith

ABSTAINED: McCamman

4. PUBLIC ADDRESS

Persons wishing to speak on any item of interest within the subject matter or jurisdiction of the Commission that is not on the agenda. None.

5. PUBLIC HEARINGS

- A. Public Hearing: Resolution Recommending the Board of Supervisors Approve GPZA No. 2020-054; Parcel Merger No. 2020-055; and Design Review No. 2020-056 with Findings and Conditions, Including the Finding that the Project is Exempt from Environmental Review, with the Land Use Change and Design Review Approval Effective on the Effective Date of the Zone Change. MACT

Health Board Inc., Applicant. 5204 and 5192 Hospital Road, Mariposa, Assessor Parcel Numbers 013-020-003, 013-020-034, and 13-020-036.

2021-PCRES-13 Planner: Steve Engfer

Senior Planner, Steve Engfer, presented the project along with a Power Point presentation.

Public Comment was received from John Dunlap, facility manager for MACT.

By Motion of Commissioner Herman, seconded by Commissioner McCamman, the Planning Commission adopted a resolution recommending that the Board of Supervisors:

1. Adopt a resolution recommending the Board of Supervisors approve GPZA No. 2020-054; Parcel Merger No. 2020-055; and Design Review No. 2020-056 with findings and conditions, including the finding that the project is exempt from environmental review, with the land use change and Design Review approval effective on the effective date of the zone change; and 2. Adopt an ordinance amending the Zoning from Multi-Family Residential to Professional Office on APNs 013-020-034 and 013-030-036 pursuant to GPZA No. 2020-054; and 3. Recommend that the Board of Supervisors accept the improved segment of Hospital Road, fronting the project site into the county maintained road system.

Motion was carried by the following vote:

RESULT: ADOPTED: (5-0)

AYES: Walls, Wilmeth, Herman, Smith, McCamman

6. PLANNING COMMISSIONER INFORMATION

Information was received from Commissioner Herman, Director Sarah Williams and Commissioner McCamman.

7. INFORMATION ITEMS

Information was received from Director Sarah Williams:

8. ADJOURN

There being no further business, the meeting was adjourned at 9:42 am

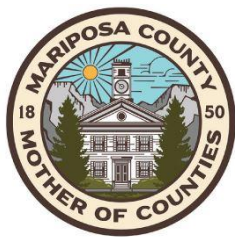
Ed Walls, Chair
Mariposa County Planning Commission

Carol Suggs, Secretary
Mariposa County Planning Commission

Note: Full audio recordings of the minutes are available from the Planning Department by request or on-line:

<http://mariposacountyca.iqm2.com/citizens/calendar.aspx?view=list>

Minutes Acceptance: Minutes of Jul 23, 2021 9:00 AM (Minutes Approval)



MARIPOSA COUNTY

Planning Commission • 209-966-5151



MEETING: September 24, 2021

TO: The Mariposa County Planning Commission

FROM: Sarah Williams, Planning Director

RE: Major Subdivision No. 2009-052; JCS Capital Resources

Public Hearing: Adopt a Resolution Adopting a Mitigated Negative Declaration and Approving Major Subdivision No. 2009-052 with Findings, Conditions, and Mitigation Measures. JCS Capital Resources; Applicant. Request is for Approval of a Major Subdivision that Will Subdivide an Approximately 114.84 Acre Parcel into Twenty-Seven (27) Lots Ranging in Size from 2.50 Acres (Net) to 16.87 Acres (Gross). Project Parcel is APN 016-110-049 and is Located at 2748 Highway 140 in Catheys Valley.

There is an existing residence, well and appurtenant facilities on proposed Lot 18. There is also a well located on Lot 19. There is an existing ranch road on-site, which aligns with the proposed main access easement road, as described below, for only a small portion of the site. There is an existing highway access easement encroachment (off of lot 12), which is not proposed for access to the project site. Owens Creek flows through several lots within the southeast portion of the project site. This creek is a blue line feature on the USGS map. The 100-year flood plain for Owens Creek is shown on the tentative map. The boundaries of the floodplain are based on an analysis by Roger Stephens Engineering.

No grading to establish building sites is proposed with this application.

Access to the project is an extension of Hornitos Road, a 72-foot-wide public access and utility easement intersecting with State Highway 140. Hornitos Road is fully improved. The extension of Hornitos Road on-site is via a proposed 60 foot-wide non-exclusive easement offered for dedication. Four cul-de-sacs will spur from the Hornitos Road extension on the project site. These cul-de-sacs will be 50 foot-wide and non-exclusive easements created for the use and benefit of the lots they serve. Those roadways will also be offered for dedication for public utilities. Highway 140 is a fully improved state highway with a left turn lane at the Hornitos Road intersection.

An emergency exit (only) is proposed at the northeast corner of the project site where the road through the project intersects with Guenthart Way off-site via an easement on the neighboring property. The emergency access easement is an existing 60-foot-wide non-exclusive easement for road, utility and emergency exit purposes. This egress route provides an additional route out of the subdivision in case of a wildland fire event. Guenthart Way takes direct access from Highway 140 through a Caltrans approved encroachment.

Water and sewer are proposed through individual on-site wells and septic systems.

Soils reports to determine the suitability of the lots to support on-site septic disposal were prepared and all lots have the ability to support on-site septic disposal. Eight of the lots (7, 9, 15, 16, 17, 20, 24, and 27) will require engineered septic systems.

Project design (parcel size, design, and road alignment) considered impacts to wetlands and the proposed

MARIPOSA COUNTY RESOLUTION NUMBER 2021-14

project was designed to avoid them. All project lots adjoining lands in the Ag/Working Landscape land use classification were designed to be 5 acres to minimize potential conflicts between residential development and adjacent agricultural uses.

The project is subject to the standards of the 2006 General Plan because it was submitted and deemed to be complete for processing prior to the adoption of the Catheys Valley Community Plan (CVCP) in December of 2012. However, impacts for this project were evaluated considering both the General Plan's and the Catheys Valley Community Plan's Environmental Impact Reports.

Future development on-site and grading and building permits will be subject to the Catheys Valley Community Plan.

See Staff Report for additional information.
See Attached.

ATTACHMENTS:

Staff Report to Planning Commission (DOCX)

Vicinity Map (JPG)

Reduced Tentative Parcel Map (PDF)

Easement Legend Map (PDF)

Initial Study (PDF)

Mitigated Negative Declaration (PDF)

Background Reports (DOCX)

Draft Planning Commission Resolution (DOC)

RESULT: ADOPTED AS AMENDED [UNANIMOUS]

MOVER: Mick Herman, District III Planning Commissioner

SECONDER: John McCamman, District V Planning Commissioner

AYES: Walls, Wilmeth, Herman, Smith, McCamman



MARIPOSA PLANNING STAFF REPORT

From: Sarah Williams, Planning Director
Prepared By: Alvaro Arias, Deputy Director
Planning Commission Meeting Date: September 24, 2021

PROJECT: Major Subdivision Application No. 2009-052. The application proposes the subdivision of a 114.84-acre parcel (APN 016-110-049) into 27 lots ranging in size from 2.61 acres gross (2.50 acres net) to 16.87 acres. The project site is located at 2748 Highway 140, Catheys Valley.

APPLICANT: JCS Capital Resources, a Nevada LLC

AGENT: Tim Miller

DISTRICT: III

PUBLIC NOTICE: Initial Study Review: April 27, 2021-May 26, 2021
 Initial Study Notice
 Mailed and Posted: April 27, 2021
 Gazette Ad: September 9, 2021
 Mailed Notice: August 31, 2021
 Posted Notice: August 31, 2021

**STATE
 CLEARINGHOUSE
 NUMBER:** 2021040624

**PLANNING
 COMMISSION
 ACTION:** Staff and the Catheys Valley Planning Advisory Committee recommend that the Planning Commission adopt a resolution:

1. Adopting a Mitigated Negative Declaration for the project
2. Approving the project with the recommended findings, conditions, and mitigation measures.

STAFF SUMMARY ANALYSIS & RECOMMENDATION:

Staff has reviewed the project and has found that the proposed project with its parcel sizes, provisions for water and septic, and proposed access complies with all the relevant standards contained in the Mariposa County General Plan, Zoning Code, Subdivision Code, Road Improvement and Circulation Policy (RICP), and the State Fire Safe Regulations (PRC 4290) with application of conditions of approval and mitigation measures. The project is feasible and with implementation of proposed mitigation measures will not negatively impact the environment.

The tentative map for the project has been revised four times in order for the project applicant to address issues raised by commenting agencies. The original tentative map was filed for review in 2009. The tentative map now under consideration is dated February 4, 2020.

The project is subject to the standards of the 2006 General Plan because it was submitted and deemed to be complete for processing prior to the adoption of the Catheys Valley Community Plan (CVCP) in December of 2012. However, staff notes that the project design is consistent with many, if not all, of the CVCP standards, including minimum parcel size and minimum parcel size adjacent to Ag Working Landscape parcels.

Project Description for Major Subdivision No. 2009-052

A. Description of Project

Major Subdivision Application No. 2009-052 proposes to subdivide a 114.84-acre parcel into 27 lots ranging in size from 2.61 acres gross (2.50 net, exclusive of easements) to 16.87 acres. This largest parcel, Lot 21, contains a 1.27-acre pond impounded by an earthen dam. A previous minor land division for the site (Dinnel LDA No. 1542) proposed the division of the project site into four parcels and a remainder. The approved tentative map for that project expired.

There is an existing residence, well and appurtenant facilities on proposed Lot 18. There is also a well located on Lot 19. There is an existing ranch road on-site, which aligns with the proposed main access easement road, as described below, for only a small portion of the site. There is an existing highway access easement encroachment (off lot 12), which is not proposed for access to the project site. Owens Creek flows through several lots within the southeast portion of the project site. This creek is a blue line feature on the USGS map. The 100-year flood plain for Owens Creek is shown on the tentative map. The boundaries of the floodplain are based on an analysis by Roger Stephens Engineering.

No grading to establish building sites is proposed with this application.

Access to the project is an extension of Hornitos Road, a 72-foot-wide public access and utility easement intersecting with State Highway 140. Hornitos Road is fully improved. The extension of Hornitos Road on-site is via a proposed 60 foot-wide non-exclusive easement offered for dedication. Four cul-de-sacs will spur from the Hornitos Road extension on the project site. These cul-de-sacs will be 50 foot-wide and non-exclusive easements created for the use and benefit of the lots they serve. Those roadways will also be offered for dedication for public utilities. Highway 140 is a fully improved state highway with a left turn lane at the Hornitos Road intersection.

An emergency exit (only) is proposed at the northeast corner of the project site where the road through the project intersects with Guenthart Way off-site via an easement on the neighboring property. The emergency access easement is an existing 60-foot-wide non-exclusive easement for road, utility and emergency exit purposes. This egress route provides an additional route out of the subdivision in case of a wildland fire event. Guenthart Way takes direct access from Highway 140 through a Caltrans approved encroachment.

Water and sewer are proposed through individual on-site wells and septic systems.

Soils reports to determine the suitability of the lots to support on-site septic disposal were prepared and all lots can support on-site septic disposal. Eight of the lots (7, 9, 15, 16, 17, 20, 24, and 27) will require engineered septic systems.

Project design (parcel size, design, and road alignment) considered impacts to wetlands and the proposed project was designed to avoid them. All project lots adjoining lands in the Ag/Working Landscape land use classification were designed to be 5 acres to minimize potential conflicts between residential development and adjacent agricultural uses.

The project is subject to the standards of the 2006 General Plan because it was submitted and deemed to be complete for processing prior to the adoption of the Catheys Valley Community Plan (CVCP) in

December of 2012. However, impacts for this project were evaluated considering both the General Plan's and the Catheys Valley Community Plan's Environmental Impact Reports.

Future development on-site and grading and building permits will be subject to the Catheys Valley Community Plan.

B. Project Background Data

Existing Zoning:	Town Planning Area (zoning within the CVCP boundary has not been adopted)
General Plan:	Interim Community Center land use within the Catheys Valley Community Plan area boundary. The project is not being processed pursuant to the standards in the CVCP.
History of General Plan Land Use And Zoning:	The project area has been in the Town Planning Area (9,000 square foot minimum parcel size) zoning and land use designation since at least 1981. The 2006 General Plan placed the project area in the Interim Community Center land use designation within the Catheys Valley Community Planning Area (2.5 acre minimum). The 2012 adoption of the CVCP placed the project site in the Community Residential land use classification.
Current Land Use:	Vacant, except for a house, well and appurtenant facilities located on proposed Lot 18. There is also a well located on Lot 19. Historically, the site has been used for grazing.
Parcel History:	The latest recorded instrument relating to legality for the project site is Parcel Map 21-7.
Adjacent Land Use/Zoning:	North: CVCP Community Residential/ Town Planning Area Northeast: CVCP Community Residential/ Town Planning Area East: CVCP Community Residential and /Ag/Working Landscape/Agriculture Exclusive Southeast: CVCP Ag/Working Landscape/Agriculture Exclusive South: CVCP Ag/Working Landscape/Agriculture Exclusive Southwest: CVCP Ag/Working Landscape/ Agriculture Exclusive West: CVCP Community Commercial and Community Residential/Town Planning Area Northwest: CVCP Community Commercial/Town Planning Area
Site Topography And Vegetation:	The site has varying slopes ranging from flat to 25+%. Elevations on the site range from 1,250 to 1,400 feet above sea level. Most of the property is blue oak series and California annual grassland series according to the Biological Resources Inventory prepared for the project. The blue oak series includes blue oak as the most widespread tree species on-site, with willows and Fremont cottonwoods along Owens Creek and the spring fed drainages that flow into the perennial stock pond on-site. Blue elderberry and oak gooseberry are dominant shrubs on-site.

Project Timeline:

- **2009** - Application submitted for 29 lot subdivision located at 2748 Highway 140, Catheys Valley; APN 016-110-049, various requests for additional information, revised maps submitted, additional information provided by the applicant
- **2010-2013** - Additional requests for information regarding water, soils testing, wetlands, biological resources, project processing on hold pending Health Department additional information requests. Letter sent to applicants regarding the additional information needed to continue processing.
- **2015** - Letter sent to applicant stating that application will be closed due to lack of activity. Applicant requested that application be kept open.
- **2018** - Revised map submitted, additional information requested. Applicant is conducting required water testing.
- **2019** - Revised map submitted additional information requested. Applicant is conducting required water testing and revised biological surveys.
- **2020** - Revised map submitted, additional information submitted.
- **2021** - Staff processing project. Prepared Initial Study and Staff Report

Processing time has been significantly longer than usual based on several factors including Planning Department staffing changes, delays in receiving responses to agency comments or requests for additional information, and revisions to the map and project. Staff did not close out the project in accordance with County Policy based on requests from the applicant during periods of inactivity.

Project Analysis for Major Sub No. 2009-052

Requests for comments on the major subdivision application were sent to the following agencies: Mariposa County Public Works, Mariposa County Environmental Health Unit, Mariposa County Fire Department, Mariposa County Assessor, California Department of Fish and Wildlife, the American Indian Council of Mariposa County (Southern Sierra Miwuk Nation), Mariposa County Natural Resource Conservation Service, Mariposa County Agricultural Commissioner, Mariposa County Unified School District, CAL FIRE, Department of Water Resources, Regional Water Quality Control Board, John C. Fremont Hospital, Pacific Gas & Electric, Sierra Telephone and Caltrans.

Responses were received from the following agencies: Mariposa County Public Works, Mariposa County Health Department, Mariposa County Unified School District, Mariposa County Agricultural Commissioner, Caltrans, CAL FIRE, California Department of Fish and Wildlife, Mariposa County Fire Department, and Sierra Telephone.

State agencies were also provided the opportunity to comment on the Initial Study/proposed Mitigated Negative Declaration through the State Clearinghouse process.

These comments, and responses to comments, are attached. (NOTE: The summaries of agency comments reflect comments made on the various versions of the tentative map.)

Public Works: Public Works provided comments on easements and other requirements, such as road signage. Public Works' final revised comments on the final revised tentative map dated February 4, 2020 were received by Mariposa Planning on July 7, 2020. Public Works' proposed conditions of approval are standard for major subdivisions and proposed conditions for road improvement requirements are shown in the "Conditions of Approval and Mitigation Measures" as shown in this staff report. Public Works provided comments on each tentative map submitted by the applicant. Throughout its review of the various tentative maps for the project, the department noted that several lots appear to have issues with regard to driveway accessibility. In its final comments the Department noted that the applicant needs to demonstrate to the satisfaction of the County Engineer that a driveway can be constructed to serve Lot nos. 22, 23, and 28. The latest version of the tentative map currently under review eliminated Lot 28. The subdivision proposes 27 lots. Lot 22 has an area of access off Easement #2 with slopes of 10-15%, according to the tentative map. All access points to the building site on Lot 23 from Easement #2 contain slopes of 22%. The department also stated that the existing well and windmill on Lot 21 must be located outside any access easements. Alternatives may be proposed and will need to be approved by the County Engineer.

Health: The Environmental Health Unit (Health) initially reviewed a soils report in June of 2009 prepared by O.S.T. System Designs for the original tentative map, which included soil profile holes and percolation tests on each lot and concluded that the proposed parcels can support on-site septic systems for future residential development. Health also provided comment on all the revised tentative maps submitted for review. Health stated that sixteen (16) of the lots demonstrated possible siting problems for on-site sewage disposal due to poor percolation rates or shallow soils. Additionally, Health noted nitrate contamination of the groundwater in this area is a known concern and that they have not received any water analysis results from the wells on the subject property. Health requested a full soils report meeting all requirements and water analyses and pump tests results from the on-site wells. Health stated in March of 2010 that testing for adequate septic disposal on ten of the lots could be deferred until the tentative map is approved. The remaining lots would still be required to be tested with the testing meeting all requirements. Health also reiterated that all drilled wells on the site be tested for nitrates. In September of 2020, Health stated that the soils report was accepted and approved. Eight of the lots would require special design engineered septic systems due to either shallow soils or slow percolation rates (Lots 7, 9, 15, 16, 17, 20, 24, and 27).

Following review of the second revised tentative map in 2018, Health stated that all lots would not have to have a full soils report completed prior to approval of the tentative map due to changes in state requirement for a Local Area Management Program addressing on-site sewage disposal systems.

Health stated in March of 2019 that it reviewed the proof of water report submitted by HerSchy Environmental and stated that the report meets minimum requirements of the Mariposa County General Plan, but that it relies heavily on a previous report prepared by the nearby Fortner (Vallecito) major subdivision project. That report should be attached as an appendix and once that report is received the department stated it believes it will be able to sign off on the proof of water condition.

Health noted in its review of a revised tentative map in July of 2019 that there is an inoperable well on Lot 28 and that it must be properly destroyed. There is no Lot 28 on the tentative map under review. The inoperable well and the old windmill well on Lot 21 would be considered examples of abandoned wells. The tentative map also shows a well on Lot 19.

Health's recommended conditions of approval and they are shown in the "Conditions of Approval and Mitigation Measures" as shown in this staff report. They also require that a Burn Permit be obtained prior to lighting of any fires to dispose of brush. Standard proof of water conditions as required by the General Plan will apply.

School District: The Mariposa County Unified School District (MCUSD) stated that it has no specific concerns or needs concerning the project.

Mariposa County Fire Department: The department's comments were broken into seven sections as follows.

1. Wildland Fuel Mitigation (Defensible space, vegetation management plan);
2. Site Development (steep slopes, chimneys, improvements prior to construction);
3. Fuelbreaks and Greenbelts;
4. Means of Access (streets and roads, gates, signage);
5. Water Supply (water supply requirements such as minimum gallons per minute requirements, guidelines for water supply needs such as draft sites/dry hydrants);
6. Alternative Development; and
7. Miscellaneous (mapping of fire protection features, maintenance of equipment and features).

Many of the issues raised in the Fire Department's letter are currently addressed during the building permit process for individual residences; review of and construction of all roadways, gates, and signage and required inspections for such improvements to ensure consistency with all existing, applicable standards; and application of minimum proof of water requirements for individual parcels. The project complies with all fire safe and additional state and local fire-related requirements. Certain recommendations, such as the implementation of fuel breaks and greenbelts, do not fall under any authority that could require such improvements in Mariposa County.

Applicable standards and requirements have been incorporated into "Conditions of Approval and Mitigation Measures" as shown in this staff report.

Mariposa County Agricultural Commissioner: The Commissioner stated that office personnel visited the project site and found no evidence of invasive noxious weeds such as yellow star thistle in the proposed project area.

Caltrans: This agency commented that the intersection of Highway 140 will need to satisfy the department's standard for the Public Road connection and that future site plans and traffic peak volume for the proposed lots. The agency also commented that the biological assessment and any other studies related to biological resources will need to be submitted and reviewed at the encroachment permit stage. If work will occur within Caltrans Right of Way, a preconstruction botanical survey, including a bird survey would need to be conducted by a qualified biologist. The cultural resource study would also need to be submitted and reviewed at the encroachment permit stage. (Staff note: No new encroachments from Highway 140 are proposed by the project.) The agency also addressed new state law that went into effect on July 1, 2020 requiring CEQA analysis of the issue of vehicle miles of travel (VMT) and protecting state drainage facilities. Where applicable, Caltrans' comments have been incorporated into project conditions of approval. Caltrans also commented that the developer will need to ensure that the existing State drainage facilities will not be significantly impacted by the project. This issue is addressed in detail in Section B.10 of the Initial Study. Mitigation is proposed to reduce this potentially significant impact to a less than significant level.

Caltrans also provided comments on the proposed Initial Study/Mitigated Negative Declaration. The comments are summarized or included below along with staff's response.

Traffic Operations:

1. “Encroachment permit will be required for any work performed within the state Right of Way (ROW). The applicant proposes a ‘gate to Cal Fire specifications’ at the intersection of the project site access road and Guenthart Way. There is a concern as this access to the project site to SR 140 is shown as an access to be used for “emergency access purposes”.

Staff Response: Any work done within the Caltrans right of way is subject to an encroachment permit. The access to Guenthart Way and then to Highway 140 is to address dead-end road length issues, and the road will only be used for emergency egress and not on a regular basis. There will be a sign posted at the gate stating that. The Guenthart Way access to Highway 140 has already been improved to Caltrans standards under all Caltrans encroachment requirements.

2. “All future development upon any of these 27 lots will require further review by Caltrans District 10.”

Staff Response: The lots are proposed for residential development. Any work subject to Caltrans requirements will be referred to Caltrans.

Environmental:

1. Concern about potential impacts to cultural resources within Caltrans right of way (ROW) near the project vicinity.

Staff Response: With respect to concern about disturbance to resources within the Caltrans ROW, based on the proposed project there is no reasonably foreseeable future work proposed within the ROW. Therefore, the environmental study did not address the issue. Any disturbance to a ROW will require an encroachment permit from Caltrans.

Hydrology:

1. “Based on information provided in this report, there will be a significant increase in impervious surface, permanent Best Management Practices, Grading Plans, and Drainage Plans, are not provided to evaluate if proper mitigations are taken to ensure that no additional runoff is introduced to the State ROW.

- Caltrans Hydraulics requests review of the following: Grading Plans and Drainage Plans (including permanent Best management practices, permanent vegetation, runoff storage, etc.).”

Staff Response: Mitigation Measure 10.c.1 adequately addresses this comment. The measure is clear that prior to the issuance of a grading permit for the project, engineered drainage plans must be submitted to Caltrans for review. The measure states that drainage plans are to be prepared to Caltrans standards. Caltrans Hydraulics requests review of the following: grading plans and drainage plans, including permanent BMPs, permanent vegetation, runoff storage, etc. Addressing Caltrans concerns would be the purpose of the drainage plans. The purpose of the mitigation measure is to address these issues. If evidence is shown that drainage does not flow into the State right-of-way of Highway 140 then the requirement may be waived.

Sierra Telephone: This company stated that it will provide facilities in accordance with its Tariff Rule No. 16 on file with the Public Utilities Commission when service is requested. The company stated it would be advantageous to the developer to contact the company prior to construction to coordinate the location of telephone facilities and conduit. The company also stated that there is an existing underground phone cable to the residence on Lot 18. The proposed subdivision will result in that cable crossing other proposed parcels. The company would like to see an easement created for this cable as it exists or if the developer prefers, they can pay to have it relocated to another public utility easement area. The company

stated it has no other objections to the proposed application as long as the company's rights, as granted on recorded easements, are not abridged.

CAL FIRE: CAL FIRE commented on the original map in 2010 and listed requirements for subdivision roadway construction. CAL FIRE requires that the road construction meet the requirements of Public Resources Code 4290 – Fire Safe Standards, including dead-end road length, road width, and road naming and signage.

B. Public Comments

None have been received to date.

C. Practical Concerns

Planning evaluated the project for the following issues:

Access, Improvements, and Maintenance: The easement widths and roadways to be constructed within the easements will be required to be established and constructed in accordance with the requirements of the Mariposa County Subdivision Ordinance, the Mariposa County Road Improvement and Circulation Policy, the County Improvement Standards, and Public Resources Code 4290. Based on available information and agency comments, Planning staff believes the proposed roads can be constructed to comply with these standards.

Easement #1, the main road through the site, shall be made 60 foot wide and non-exclusive. (A turnaround easement with a radius of 60 feet shall be provided to encompass the required turnaround improvements.) The easements shall be offered for dedication to the County of Mariposa. The offers of dedication shall non-revocable and specifically state the dedications are for “public road and utility purposes.”

The cul-de-sac easements, nos. 2, 3 and 4, will be private access easements serving only the parcels taking access from them, and shall be made a minimum of 50 foot wide and non-exclusive. Provisions for a public utility easement shall be made. The public utility easement shall be offered for dedication.

Easement #5 serves six parcels and per Section 16.12.160 of the subdivision ordinance it must be a public easement. The applicant has proposed to make this a private easement. Staff would support this waiver since parcels 1 and 2 have access to Easement No. 1 and there is minimum potential for this easement to be expanded to serve off-site parcels.

Easement #1 shall be constructed to a Rural Class II standard.

Easement #2, the westernmost cul-de-sac road, and cul-de-sac Easements #3 and #4 shall be improved to a Rural Class II standard.

A road maintenance association or zone of benefit shall be required to be formed for the maintenance of Easements #1 through #5. The private road easements nos. 2-4 shall either install a gate across the easement adjacent to the intersection of the easements and Easement #1 or a sign stating “PRIVATE ROAD” shall be installed on the easement adjacent to the intersection of the easement and Easement #1.

An emergency exit easement connecting Easement #1 to Guenthart Way, shall be improved to a minimum standard Rural Class II standard and shall meet this standard at the time of the filing of the final map.

Road Naming: County Resolution No. 92-541 requires the naming of roads created through a subdivision process prior to the recordation of the final map. Road names will be required for the easements on the project site.

Easement # 1 will be required to be named Hornitos Road as it is an extension of an already existing road that is named.

Utilities and Proof of Water: This property is not located within a public utility district; water supply to serve proposed lots will be provided by individual wells. Individual wells would be allowed to be developed for each parcel, and septic systems are proposed for each individual lot.

No information has been provided that telephone and electrical services will not be able to be provided to the project. All the neighboring parcels have telephone and electric service.

Proof of water is required for all subdivisions pursuant to the General Plan. The applicants have met proof of water requirements for processing the subdivision, as established by the General Plan, to the satisfaction of Health. Statements will be recorded with the final map regarding water supply as required by County Code and the General Plan.

Health stated in August of 2020 that it reviewed the proof of water report submitted for the project by HerSchy Environmental and stated that the report meets minimum requirements of the Mariposa County General Plan. The HerSchy report states that HerSchy believes there is sufficient water availability to serve the planned subdivision, without appreciable negative impact to the water supply in the general vicinity, and that surrounding projects will not negatively impact this project.

Water Supply: Mariposa County does not have an aquifer-type water supply. The bedrock under most of the land in Mariposa County is granite, and water is located in fissures and fractures in the granite. Depth of water and production (quantity) are highly variable. Ground water for onsite wells can be found throughout Mariposa County in most instances, but the depth of the well varies greatly. As an example, a five-acre parcel can have two wells within one hundred feet of each other; one of those wells may be capable of producing 15 gallons per minute at a depth of 100 feet, and the other may be 800 feet deep before any water is found.

The General Plan EIR states that Policy 11-2c of the General Plan and its supporting implementation measures provide for the preservation of existing or potential sources of a sustainable water supply through maintaining low intensities of development in order to protect the capacity of watersheds, and would designate watershed areas of surface water systems where such systems and their proposed watershed areas serve or are capable of serving as a potable water source. The environmental impact report (EIR) prepared for the General Plan found that there is a less than significant impact on groundwater quantity from implementation of the General Plan due to the low density of residential development, such as proposed with this project. Furthermore, the Catheys Valley Community Plan EIR states that “No impacts to groundwater quantity are expected due to the implementation of the CV Plan because there are no anticipated large-scale developments utilizing groundwater resources in Catheys Valley.”

The proof of water report submitted for the project by HerSchy Environmental states that HerSchy believes there is sufficient water availability to serve the planned subdivision, without appreciable negative impact to the water supply in the general vicinity, and that surrounding projects will not negatively impact this project.

Biological Resources: The issue of biological resources is discussed in detail in the Initial Study. An initial biological assessment of the project site has been conducted (ESR, Inc. January 2012). The following supplemental reports and determinations have also been prepared:

- Biological Assessment, June 2015
- Biological Assessment, Updated October 2019

Reconnaissance level field surveys were conducted on November 23, 2011, December 12, 13, and 15, 2011, January 9, 10, 16, and 25, 2012, June 4, 2014 and March 18, 2015, April 14, 2015 and May 22, 2015. These included habitat mapping and inventorying of species, conducting an oak tree community assessment, and focused surveys for sensitive plants during appropriate blooming periods. Additional reconnaissance level work was conducted by Moore Biological Resources on May 2 and 21, 2008, November 13, 2008, and May 21, 2009 (Oak Impact Assessment). A reconnaissance survey was conducted by Mitigation Properties on October 23, 2019 to verify site conditions had not changed significantly since the 2015 surveys and as described in the original 2015 report.

The updated biological assessment dated October 2019 found the project could have a potentially significant impact on wetland features associated with the open water pond, Owens Creek ephemeral drainages (wetlands) special-status species and nesting raptors. Mitigation measures to reduce these potentially significant impacts to less than significant levels are listed in the Initial Study and have been incorporated into the “Project Conditions and Mitigation Measures” section of this staff report.

The applicant is required to pay the Department of Fish and Game Filing Fees for a Mitigated Negative Declaration as a condition of approval for this project. These fees are now \$2,480.25 plus a \$50 County Clerk fee (effective 1/1/21).

Cultural Resources: A cultural resource study of the project site was conducted by Varner Associates. This study is summarized in detail in the Cultural Resources section of the Initial Study. The study found that project may have a potentially significant impact on bedrock milling stations, a historic rock wall and cultural resources that may be unearthed during construction. Mitigation measures to reduce these potentially significant impacts to less than significant levels are listed in the Initial Study and have been incorporated into the “Project Conditions and Mitigation Measures” section of this staff report.

A stone wall section is located on the project site. The cultural resource study recommended that the rock wall section be protected by an open space setback, but did allow that proposed access to Lot 23 be expanded up to 20 feet wide as long as the terminations of the rock wall opening are properly stabilized.

Soils: A preliminary soils investigation report was prepared by See’s Consulting & Testing. A condition has been recommended to provide notice to future buyers and property owners that they review the soils investigation report for conclusions and recommendations made prior to any construction.

Surface Water Runoff: All grading for future homes is subject to a grading permit, which is subject to all grading regulations. These include the requirement that drainage across property lines not exceed what existed prior to grading. Additionally, any grading for the access roads that is subject to NPDES permit will have to meet the requirements of those permits, which require that the pre-project water balance be met after construction.

Catheys Valley Community Plan: The Catheys Valley Community Plan was adopted on December 4, 2012. This subdivision application was submitted and deemed complete for processing prior to adoption of the Catheys Valley Community Plan and is therefore not subject to the provisions established in the

plan nor was the application reviewed under the plan. Future development on the subdivision parcel will be subject to the Catheys Valley Community Plan.

Twenty of the proposed parcels are less than five acres in size, but none are less than 2.5 acres of gross land area. Therefore, these lots comply with existing Town Planning Area zoning that governs the site and under which this map is being reviewed. Town Planning Area zoning in Title 17, Mariposa County Zoning Ordinance, allows minimum parcel sizes of 2.5 acres (exclusive of easements) if the domestic water system and the sewage disposal system is to be developed on the parcel.

General Plan: The Interim Community Center land use classification applies to this parcel for review of this subdivision since it was applied for and accepted for review prior to the adoption of the Catheys Valley Community Plan. Pursuant to the General Plan, the “Interim Community Center land use classification identifies lands for single family dwellings within a Planning Area for which an area plan has not yet been adopted. The Interim Community Center land use also establishes a minimum parcel size of 2.5 acres for new subdivisions.

The proposed subdivision project is consistent with the following policies of the General Plan (Section 5.3.02. E.), designed to create “ready to build parcels” including maintained roads, water supply, and wastewater disposal.

E(1) ROAD CAPACITY AND ACCESS

The proposed project will be consistent with the County Road Improvement and Circulation Policy. All newly created subdivision parcels will have safe and maintained access roads.

E(2) HILLSIDE AND RIDGETOP DESIGN

General Plan Policy 5.3.02 E(2) Hillside and Ridge Top Design, is summarized as follows:

- *“Building on hillsides is an issue of critical concern to conserving the rural character and avoiding an “over-developed” appearance countywide.*
- *The County’s terrain and topography has no regularity, making a uniform solution impossible.*
- *Subdivision roads and building sites will be designed to minimize cuts and fills. All cuts and fills will be re-vegetated within one growing season of construction.*
- *The Planning Commission will review subdivisions with slopes on parcels in excess of 15% intending to consider the following mitigations:*
 - *The Commission may permit lot size flexibility within density limits (e.g., clustering) to best achieve safe and reasonable building sites.*
 - *The Commission will review proposed building sites and native vegetation with the intent of requiring or maintaining a screen of access roads, driveways, and structures consistent with fire safety regulations (emphasis added).*
 - *The Commission may require building sites to be set back from ridgelines.*
 - *Visual impact of the subdivision and its building sites may result in the Planning Commission modifying parcel sizes and potentially reducing the number of proposed lots.”*

The subject site contains slopes in excess of 15%. There are no ridgetops on-site.

There are two issues affecting the determination of the level of significance of potential impacts to visual quality with respect to these policies:

- 1) The rural character of the area, as that character is defined by the General Plan; and
- 2) Viewsheds in relation to the values expressed in the Mariposa County General Plan regarding noted types of sensitive landscape elements.

The General Plan EIR points of significance (Table 4.12-1, pg. 4-69) for Visual Resources indicate potentially significant impacts will occur with development of *non-single family residential development* that does not adhere to related General Plan policies of Chapters 5, 7, 10, 11 and 14, which address visual resources.

The General Plan EIR established as a point of significance for visual resources non-single family dwelling units. Single family dwelling units will be constructed on the lots. Thus the proposed residential subdivision will not have a potentially significant impact on visual impacts.

Because all of the proposed lots contain areas that are outside of areas with slopes in excess of 15%, it is possible for future residential development to be constructed on the residential parcels in compliance with the objectives of the General Plan policies. However, because there are portions of the residential parcels with building sites on slopes in excess of 15%, and because the implementing zoning for the Catheys Valley Community Plan has not yet been adopted, all residential building permits on parcels with slopes in excess of 15% in the Catheys Valley Community Plan area will be reviewed on a case by case basis. Specific implementing standards for the Catheys Valley Community Plan have not been developed. In the interim, a declaration will be recorded on the map that requires all building permits for parcels with slopes in excess of 15% to be reviewed pursuant to adopted Hillside Development standards in the Mariposa Town Planning Area Town Plan (Section 17.336.040 of County Code), until such time as specific development standards are adopted for the Catheys Valley Community Plan. The Hillside Development standards were adopted to minimize impact of future development on the hillsides surrounding the town of Mariposa. The standards establish limits to grading and establish foundation design requirements. Revegetation requirements are also established.

E (3) SEWAGE DISPOSAL SYSTEMS

The applicant has provided soils information, demonstrating septic envelopes and replacement areas to the satisfaction of Health.

E (4) POTABLE WATER SUPPLY

Water supplies for residential lands are derived from private wells on these parcels. Mariposa County groundwater supplies are found in fractures and fissures in the bedrock. Other than this groundwater, there are no other known water supplies to serve any parcel shown on this map. The applicant has prepared an evaluation of the availability of water (Hersch, August 2018) which evaluated full buildout of the subdivision. The analysis concluded that the site would have ample water quantity for the planned development.

E(5) WILDLAND FIRE HAZARD AND EMERGENCY SERVICES

Uniformly applied standards for fire hazard mitigation are required for this project (filing of final map) and future on-site development including regulations of the County Building Department, County Fire Department, and California Department of Forestry and Fire Protection (CAL FIRE) for purposes of fire management and fire safety.

E(6) LOCATIONS OF FLOOD ZONE OR RISK OF FLOODING

Proposed lots 7, 17, 26, and 27 have portions of Owens Creek running through them that are located within a flood zone. All of the lots have sufficient areas for residential construction outside of the flood zone.

D. Processing

This project was reviewed by the Catheys Valley Planning Advisory Committee (PAC). The PAC considered public input, the staff report, the initial study (including background studies) and county regulatory standards and policies and made a recommendation to the Planning Commission to approve the project.

The Planning Commission should consider the PAC's recommendation and public input, as well as the staff report and initial study (and background studies), and county regulatory standards and policies. The Planning Commission has final approval authority for a major subdivision project.

Planning Commission actions can be appealed by any interested party within twenty (20) calendar days of the date of action to the Board of Supervisors.

Staff notes that, in order to establish conditions on a discretionary project such as this, there must be authority for the conditions. Conditions can be established based on an adopted regulation, an adopted policy, the environmental review required pursuant to the California Environmental Quality Act (CEQA) and the required findings for a project.

Proposed Findings for Major Sub No. 2009-052

Required findings for a subdivision project are established by the Mariposa County Subdivision Ordinance. In order for a subdivision project to be approved, all of the required findings must be made.

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

EVIDENCE: Based on a site inspection, the environmental review, the environmental studies, the agency review and review pursuant to adopted standards and policies, it can be found that the site of the proposed division of the parcel into 27 lots that are all between 2.61 acres gross (2.50 acres net, exclusive of easements) and 16.87 acres is physically suited for low-density residential development. This finding is made, provided that the conditions of approval can be met and based on the required project improvements. The proposed project is located within the Town Planning Area zone. The subdivision density is designed in accordance with the Town Planning Area zone and the General Plan Interim Community Center Land Use. The on-site and off-site easement roads provide adequate access to the residential parcels.

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 based on the project design, the approved project description and the proposed mitigation measures. The project design and implementation of mitigation measures as identified in the project's Initial Study will reduce potentially significant impacts of project implementation on a blue-line drainage (Owens Creek), ephemeral drainages, jurisdictional waters of the United States, including wetlands, nesting raptors and special-status species, and cultural resources to less than significant levels. The project is subject to the California Department of Fish and Wildlife filing fees for a mitigated negative declaration as required by AB 3158 and a County Clerk filing fee.

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

EVIDENCE: This subdivision and its subsequent use for residential purposes is not likely to cause serious health problems based on existing regulations and permitting requirements in place, and based on the implementation of conditions of approval that are designed to reduce potential health effects to less than significant levels. Future residential uses and development will be required to comply with all Building Code regulations and county Environmental Health Unit standards for the proper installation of sewage disposal systems. The proper location and implementation of these improvements, and the implementation of septic system conditions of approval will ensure that serious health problems will not occur on the site. All future residential uses will be required to comply with the State Fire Safe Standards as mandated by California Public Resources Code Sections 4290 and 4291, which will reduce any potential health and safety issues related to fire protection.

4. **FINDING:** The proposed map is consistent with applicable general plan (Mariposa County General Plan, 2006) and specific plans as specified in Government Code Section 65451.

EVIDENCE: The land division is the initial step in the process to help accomplish Mariposa County General Plan's Housing Element overall goal to *"Provide opportunities for an adequate supply of sound, affordable housing units for ownership and for rent in a safe and satisfying environment for the present and future residents of the County."* The land division satisfies the following Housing Element Objectives, including: *"Providing Adequate Sites and Services"*. Hornitos Road and Highway 140 have adequate capacity for the additional traffic generated by the new parcels created by this project.

5. **FINDING:** The design or improvement of the proposed subdivision is consistent with applicable general and specific plans.

EVIDENCE: The minimum lot size proposed by the project is consistent with the Interim Community Center land use classification standards contained in the Mariposa County General Plan and the Town Planning Area zoning standards contained in Title 17, Mariposa County Zoning. The subdivision design is consistent with the General Plan standard that all new subdivision parcels have safe and adequate access from a county or easement road. The land division's design complies with the County Subdivision Ordinance's maximum 4:1 length to width ratio for lot configuration. Future development and uses on the project site (after the subdivision process has been completed) are governed by the Catheys Valley Community Plan (CVCP) and all standards and implementing ordinances. The subdivision project was deemed complete for processing prior to adoption of the CVCP and therefore was not subject for review under that 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. Affected utility companies have reviewed the proposed project and have not objected to the proposal.
7. **FINDING:** Easement #5 has the ability to provide access for up to six parcels and per Section 16.12.160 of the subdivision ordinance it must be a public easement. The applicant has proposed to make this a private easement and has requested a waiver. Based on several of the parcels having additional access points and the minimal potential for this easement to be expanded to serve off-site parcel, the requirement for the offer of dedications is waived.

Proposed Project Conditions and Mitigation Measures for Major Subdivision No. 2009-052

Project Name: N/A

File Number: Major Subdivision No. 2009-052

Project Approval Date: September 24, 2021

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 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)

Approved Project Description: Major Subdivision Application No. 2009-052 subdivides a 114.84-acre parcel into 27 lots ranging in size from 2.61 acres gross (2.50 acres net) to 16.87 acres.

Access to the project is an extension of Hornitos Road, a 72-foot-wide public access and utility easement intersecting with State Highway 140. Hornitos Road is fully improved. The extension of Hornitos Road on-site is via a proposed 60 foot-wide non-exclusive easement offered for dedication. Four cul-de-sacs will spur from the Hornitos Road extension on the project site. These cul-de-sacs will be 50 foot-wide and non-exclusive easements created for the use and benefit of the lots they serve. Those roadways will also be offered for dedication for public utilities. Non-Exclusive Easements #1 and #5 will be offered for utility and access purposes; Easements nos. 2-4 will be offered for utility purposes. Highway 140 is a fully improved state highway with a left turn lane at the Hornitos Road intersection.

An emergency exit (only) is proposed at the northeast corner of the project site where the road through the project site intersects with Guenthart Way off-site via an easement on the neighboring property (APN 016-110-092). The emergency access easement is a proposed 60-foot-wide non-exclusive easement for road, utility and emergency exit purposes. This egress route provides an additional route out of the subdivision in case of a wildland fire event. Guenthart Way takes direct access from Highway 140 through a Caltrans approved encroachment.

Water supply to serve the proposed lots will be provided through individual wells. Septic systems are proposed for each individual lot. A well test analysis prepared for the project states that the testing company believes there

is sufficient water availability to serve the planned subdivision, without appreciable negative impact to the water supply in the general vicinity, and that surrounding projects will not negatively impact this project.

Soils report to determine the suitability of the lots to support on-site septic disposal were prepared and all lots have the ability to support on-site septic disposal. Lots 7, 9, 15, 16, 17, 20, 24, and 27 require special design systems.

Project design (parcel size, design, and road alignment) considered impacts to wetlands and the proposed project was designed to avoid them. All project lots adjoining agricultural lands were designed to be 5 acres in size to minimize potential conflicts between residential development and adjacent agricultural uses.

The project is subject to the 2006 General Plan because it was submitted and deemed to be complete for processing prior to the adoption of the Catheys Valley Community Plan. However, staff notes that the project design is consistent with many, if not all, of the CVCP standards, including minimum parcel size and minimum parcel size adjacent to Ag Working Landscape parcels.

Future development on-site and grading and building permits will be subject to the Catheys Valley Community Plan.

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

	Monitoring Dept.	Verified Implemented
CONDITIONS OF APPROVAL / PUBLIC WORKS DEPARTMENT		
1. Easement #1 shall be made 60 feet wide and non-exclusive. A turnaround easement with a radius of 60 feet shall be provided to encompass the required turnaround improvements near the easterly property line. The easements shall be offered for dedication to the County of Mariposa. The offers of dedication shall be non-revocable and specifically state the dedications are for "public road and utility purposes." 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. (Section 16.12.160.B, County Subdivision Ordinance; Road Standard Cross-sections, Road Improvement and Circulation Policy)	Public Works	
2. Easements #2, #3, #4, and #5 from Easement #1 to the proposed cul-de-sacs shall be made a minimum 50 feet wide and non-exclusive. A turnaround easement with a radius of 60 feet shall be provided to encompass the required turnaround improvements. Easement #2, #3, #4, and #5 shall be designated for access for the use and benefit of the subject properties as shown on the tentative map. 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	Public Works	

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 that the dedication is for public utility purposes only. 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)		
3. The off-site easement for road and emergency exit purposes shall be made a minimum of 60 feet wide and non-exclusive. 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 offered for dedication to the County of Mariposa. The offers of dedication shall be non-revocable and specifically state the dedications are for "road and emergency exit purposes." The location and width of the easements shall be approved by the County Engineer. This will be done prior to the recordation of the final map. The document, format, and legal description shall be approved by the County Surveyor prior to recordation. (Section 16.12.160.B, County Subdivision Ordinance; Section II.A.3, Road Improvement and Circulation Policy; Project Application)	Public Works	
4. All cut and fill areas required for the construction of the proposed access roads shall be included, whenever possible, within the access and utility easements. Additional cut and fill areas required for the construction may necessitate a variable width easement greater than 60 feet in width. The location, width, and description of all easements shall be approved by the County Engineer. At the discretion and approval of the County Engineer, cut and fill areas, outside of the designated road easement, may be included within slope easements and shall be delineated as such on the final map. The location, width and description of the slope easements shall be approved by the County Engineer. (Public Works Department Recommendation)	Public Works	
5. Easement #1 from Hornitos Road to Guenthart Way shall be improved to a Rural Class II standard and shall meet this standard at the time the final map is filed. The intersection of the on-site easement road and the on-site/off-site easement road shall be constructed at as close to a 90-degree angle as possible or as approved by the County Engineer. 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 filing 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	Public Works	

Engineer prior to commencement of construction work on the required road improvements. The applicant may pave all the roads where a gravel standard is allowed in accordance with the Road Improvement and Circulation Policy and the County Improvement Standards. (Section 16.12.170, County Subdivision Ordinance; Chart A and Section II.D.2.a, Road Improvement and Circulation Policy)		
6. Easements #2, #3 #4 and #5 shall be improved to a Rural Class II standard and shall meet this standard at the time of final map recordation. The intersections of Easement #1 with Easements #2, #3, #4 and #5 shall be constructed at as close to a 90-degree angle as possible or as approved by the County Engineer. 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 filing 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. (Section 16.12.170, County Subdivision Ordinance; Chart A and Section II.D.2.a, Road Improvement and Circulation Policy; CAL FIRE road standards apply)	Public Works	
7. A cul-de-sac shall be constructed at the terminus of each of the required road improvements at the terminus of Easements #2, #3, #4 and #5 as shown on the tentative subdivision map. A cul-de-sac shall be constructed at the terminus of Easement #1 near the easterly property line. The cul-de-sac shall be improved to meet county standards and shall meet these standards at the time of final map filing. 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 at the time of filing of the final map. At the time the final is filed, the County Engineer shall confirm that this condition has been met. (Section 11.4(B)(9) County Improvement Standards)	Public Works	
8. Immediately upon completion of the required road and encroachment improvements, and the driveway improvements, the applicant shall re-vegetate all exposed soils and install other erosion control as recommended by the Resource Conservation District (RCD). The applicant shall also contact the RCD for an inspection. Inspection fees shall be the responsibility of the applicant. A letter shall be submitted to the County Surveyor by RCD stating that the re-vegetation and erosion control provisions have been completed prior to the filing of the final map. (Road Improvement and Circulation Policy)	Public Works	

9. The applicant shall have the option of forming a zone of benefit or forming a road maintenance association for the maintenance of the on-site easement roads, and the off-site emergency egress road. Should the applicant choose to form a zone of benefit, the applicant shall file a completed petition on a form to be approved by the County Engineer (including but not limited to, all required signatures and attachments) with the County to form a Zone of Benefit within the Countywide County Service Area No. 1 for road maintenance. The project applicant shall be responsible for all costs associated with the filing of the petition, including but not limited to, preparation and cost estimates. Maintenance shall include, but not be limited to, drainage and erosion control devices, fuel modification, upkeep of road surfaces, and ultimate replacement costs for road surfaces, etc. It is recommended that maintenance also include noxious weed control. The initial road construction costs shall not be included in the Zone of Benefit. The Zone of Benefit shall include provisions to allow additional parcels and additional road length to be added to the zone if appropriate in the future. The formation of the Zone of Benefit shall be completed prior to filing of the map. (Section II.I, Road Improvement and Circulation Policy) If a zone of benefit is not formed the applicant shall form a road maintenance association. Maintenance shall include, but not be limited to, drainage and erosion control devices, fuel modification, and upkeep of road surfaces. It is recommended that maintenance also include noxious weed control. The Road Maintenance Association provisions shall be developed by the applicant so those lots served by the easement roads shall be responsible for road maintenance. These provisions shall be reviewed and approved by the County Engineer prior to filing of the final map and shall: - Be in effect for the life of the project unless said maintenance is taken over by the County, a special district, or other government entity. - Provide for annual maintenance and the immediate correction of emergency and hazard situations. - Include 100% of the lots in the subdivision served by the access roads. - 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. - Provide a mechanism for new parcels to be added to the association. As an alternative, if a formal road maintenance organization exists, the project applicant may join that organization providing that organization includes the provisions contained in a. through e. above as determined by the Mariposa County Planning Department. The existing Road Maintenance Association shall	Public Works	
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be extended to encompass all of the access roads for this project, including the emergency egress road. (Public Works Recommendation; Section II.I, Road Improvement and Circulation Policy)		
10. All of the lots shall join the existing Road Maintenance Association for existing Hornitos Road extension to Highway 140. If one does not exist, the applicant shall include Hornitos Road extension in the Road Maintenance Association required by Condition No. 10 above or the applicant shall have the option of forming a Zone of Benefit (Public Works Recommendation; Section II.I, Road Improvement and Circulation Policy)		
11. One of the following conditions for Easements #2 through #5 shall be met prior to recordation of the final map: a. A gate shall be installed across the easement adjacent to the intersection of the easement and Easement #1. The type and location of the gate shall be approved by the Public Works Director. If the gate is to be locked, the gate shall be approved by the County Fire Chief and the CAL FIRE for emergency access purposes. OR b. A sign stating "PRIVATE ROAD" shall be installed on the easement adjacent to the intersection of the easements and Easement #1. The location of the sign shall be approved by the Public Works Director, and the design and specifications shall be in accordance with the County Improvement Standards. (Section II.I, Road Improvement and Circulation Policy)	Public Works	
12. If a Zone of Benefit for road maintenance is not formed for the maintenance of the easement roads, a declaration or covenant of non-protest for road maintenance of the project easement roads shall be filed concurrently with the final map and shall be referenced on the final map. The declaration or covenant shall be made appurtenant to each lot and shall state that the owners or future owners of the lots waive their right to protest the formation of a zone of benefit or assessment district within Countywide County Service Area No. 1 for road improvements, road upgrades, and/or maintenance of the easement road. The declaration or covenant shall be approved by the Public Works Director prior to filing of the final map. (Public Works Recommendation)	Public Works	
13. If Easement #1 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 <u>Hornitos Road and the westerly property line</u>. The design and specifications of the sign shall be in accordance with the County Improvement Standards.	Public Works	

(Section III.A.4, Road Improvement and Circulation Policy)		
14. Prior to the commencement of any road improvements, road construction or other road building or maintenance activities required as a condition of approval for this project and prior to issuance of any encroachment permit for the required improvements, a consultation meeting with the Public Works Department, the applicant, the agent, the road contractor, Sierra Telephone, CAL FIRE and Caltrans shall occur. 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 encroachment permit required for this project and prior to the scheduling of any on-site inspection of road improvements. Any required setbacks or easements shall be flagged or identified in the field prior to the consultation meeting. (Public Works and Mariposa Planning Recommendation)	Public Works	
15. An encroachment permit shall be obtained Caltrans prior to any work being done on or adjacent to State Highway 140. A copy of the encroachment permit shall be provided to the County Surveyor. All encroachment improvements shall be completed as required by Caltrans. Evidence that all encroachment permit improvements have been completed to the satisfaction of Caltrans shall be submitted to the County Surveyor by the applicant prior to recordation of the final map. (Chapter 11, County Improvement Standards)	Public Works	
16. Easement #1 from Hornitos Road to Guenthart Way shall be named Hornitos Road in accordance with County Resolution No. 92-541. Easements #2, #3 #4 and #5 within the project shall be named in accordance with County Resolution No. 92-541. A Road Name Request application shall be submitted to the Planning Department and be approved by the Board of Supervisors. The names of the roads within the project site shall be shown on the final map. The road names will be Not be final nor accepted until the final map is filed. (County Resolution No. 92-541)	Public Works	
17. Road name signs for Easements #2, #3, #4 and #5 shall be placed at the intersection of the easements and Easement # 1. The design and specifications of the signs shall be in accordance with the Mariposa County Improvement Standards. The road name signs shall not be installed until the final map is ready to be finalized. (Section 16.12.175, County Subdivision Ordinance).	Public Works	
18. All required signs shall be installed on metal, break-away type posts. The design and placement of signs shall be approved by the County Engineer prior to installation. (Public Works Recommendation)	Public Works	

19. A stop sign shall be placed at the intersections of all on site easement roads. The stop signs shall be installed on metal breakaway type posts prior to map recordation. The design and placement of signs shall be approved by the County engineer prior to installation. (Public Works Recommendation)	Public Works	
20. All lots must have area for driveway access which can be built to CAL FIRE and CA Building Code (Appendix J) standards to a buildable building site. Driveway access must be proven to the satisfaction of the County Engineer. Some lots may require additional information to prove buildability. Any lot may require engineered improvement plans prepared by a Registered Civil Engineer. 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. If access requirements cannot be met for any lot, that lot will have to be merged or reconfigured to ensure access. Lots 22 and 23 are of concern and a Declaration shall be filed on Lots 22 and 23 or any lot which may require Engineered Improvement Plans. <i>“Grading shall not be permitted on Lot(s) ____ without an approved grading permit. An engineered grading and drainage plan shall be required for the grading of the driveway. The engineered grading and drainage plan shall be approved by the County Engineer prior to issuance of the grading permit and all recommendations of the County Engineer shall be incorporated into the grading permit.”</i> The project applicant shall demonstrate to the satisfaction of the County Engineer that a driveway can be constructed to serve Lot nos. 22 and 23. Lots which require engineered access will be limited to the access point as shown on the engineered plan. A declaration shall be filed on those lots which specify the access location. The declaration shall be approved by the County Surveyor. (Public Works Recommendation)	Public Works	
21. Drainage easements and facilities maybe required as defined by County Code Sections 16.20.180 and 16.20.190, to the satisfaction of the County Engineer. (Public Works Recommendation)	Public Works	
22. The existing well and windmill on the site shall be located outside any access easements. Alternative locations for improvements can be proposed and shall be approved by the County Engineer prior to road construction (Public Works Recommendation)	Public Works	
23. A final Soils Report shall be submitted to the County Planning Department as required by Mariposa County Code Subdivision Ordinance, Section 16.20.220 and by Sections 66490 and 66491 of the Subdivision Map Act. The	Public Works	

Soils Report shall be reviewed and approved by the County Engineer prior to final map filing. If the preliminary soils report is approved by the County Engineer, no final Soils Report shall be required. (Section 16.20.220, Mariposa County Code)		
24. Verification of taxes paid shall be submitted to the County Surveyor prior to final map filing. (Public Works Recommendation)	Public Works	
CONDITIONS OF APPROVAL/CAL FIRE		
25. Prior to filing of the final map, all applicable State Fire Safe Regulations shall be met, including construction of roadways, cul-de-sac turnarounds, road naming and signage. A letter shall be submitted to the County Surveyor by CAL FIRE stating this condition has been met. Additionally, a document shall be recorded and referenced on the Final Map or shall be included on an additional map sheet which indicates its relationship to the final map that states: <i>"This notice is not intended to affect record title interest. Future residential development on Lots 1 through 27 as shown on the final map for JCS Capital Resources filed in the Book of Maps at Page ____, Mariposa County Records shall be required to conform with all applicable SRA Fire Safe Regulations (Public Resource Code 4290 and 4291). Furthermore, the development of the parcels is subject to all applicable SRA Fire Safe Regulations and the risk of fire hazards shall be reduced through compliance with Public Resource Code 4291, including the requirement to maintain fire protection or firebreaks within 100 feet from buildings or structures or to the property line unless an alternative mitigation measure is approved by CAL FIRE at the time of issuance of a residential building permit."</i> (CAL FIRE Recommendation)	CAL FIRE/County Surveyor CAL FIRE	
CONDITIONS OF APPROVAL / MARIPOSA PLANNING		
26. Project approval is valid for a period of three years from September 24, 2021. This approval shall expire on September 24, 2024. An extension of time may be granted if a complete time extension application is submitted prior to the expiration date. (§16.16.090, Mariposa County Subdivision Code)	Mariposa Planning	
27. All lots shall have a minimum parcel size of 2.5 acres, exclusive of easements. At the time of recordation, the applicant shall provide evidence and the County Surveyor shall verify that the minimum parcel size has been complied with. If this condition cannot be met, lots shall be merged so that all lots are at least 2.5 acres, exclusive of easements. Any conditions containing	Public Works/Mariposa Planning	

reference to lot numbers shall be modified accordingly, and under the direction of the Planning Department (where there is a determination by the Planning Director that there is no substantial change to the project or impacts). Section 17.12.C.1, Mariposa County Zoning Ordinance, Title 17, Planning Department Recommendation		
28. Completion of the public report process through the State Department of Real Estate is not necessary for map filing, but is necessary prior to lot sale. (Mariposa Planning Recommendation)	Public Works/ Mariposa Planning	
29. Prior to filing 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 (\$2,480.25 as of January 1, 2021) and County Clerk fee (\$50 as of January 1, 2021) shall be paid by the applicant within five (5) working days of the approval of the application (by Friday, October 1, 2021, because if the fee is not paid within 5 working days, and the Notice of Determination is not filed with the County Clerk prior to close of business on Friday, October 1, 2021 the environmental determination is not operative, vested, or final (Section 21089(b) Public Resources Code). The County Clerk requires that one check be submitted to cover both of these fees, for a total of \$2,480.25 (effective January 1, 2021), 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. NOTE: The filing fees are adjusted annually, effective January 1 st of each year, pursuant to Fish and Game Code. §16.12.390, Mariposa County Subdivision Code; (California Department of Fish and Wildlife Requirement)	Mariposa Planning	
30. 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	Mariposa Planning	

governmental entity. County shall promptly notify the Owner of any claim, action, or proceeding. County will further cooperate in the defense of the action. 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. (Section 16.36.030, Mariposa County Subdivision Ordinance)		
31. A declaration shall be filed with the final map and referenced on the final map or shall be included on an additional map sheet which indicates its relationship to the final map. The declaration shall state the following: <i>“This notice is not intended to affect record title interest. A soils investigation report has been prepared for Lots 1 through 27 as shown on the Final Map for JCS Capital Resources, filed in the Book of Maps at Page ____ , Mariposa County Records. The report should be reviewed and the recommendations incorporated into the construction of any buildings including mobile home foundations. A copy of the report is available for review at the Mariposa County Planning Department.”</i> (Mariposa Planning Recommendation)	Mariposa Planning	
32. Subdivision Map Act Section 66434.2 applies to the filing of the final map for this project. (Planning Department Recommendation)	Mariposa Planning	
33. Prior to the commencement of any easement road construction activities, the project proponent shall obtain from the Regional Water Quality Control Board (RWQCB) a General Permit for Discharges of Storm Water Associated with Construction Activity, unless it can be shown to the satisfaction of the Mariposa County Planning Director through evidence submitted by a qualified person, such as a licensed land surveyor or registered civil engineer, that less than one acre of land will be disturbed to implement the project. A copy of the approved permit or evidence that a permit is not required shall be submitted to the Mariposa County Public Works Department by the project proponent prior to the pre-construction consultation meeting required in these conditions of approval. If a permit is required, all provisions and requirements of the permit shall be completed prior to filing of the final map. The proponent shall submit to the County Surveyor evidence that the permit requirements have been met to the satisfaction of the RWQCB. (State Water Quality Control Board Order No. 2009-0009-DWQ, National Pollutant Discharge Elimination System (NPDES))	Mariposa Planning	
CONDITIONS OF APPROVAL/ MARIPOSA COUNTY ENVIRONMENTAL HEALTH UNIT		

34. A statement(s) shall be recorded in Official Records concurrently with the map and referenced on the map or shall be included on an additional map sheet which indicates its relationship to the final map as follows: <i>“This notice is not intended to affect record title interest. Approved percolation tests and soils analysis tests have been performed on Lots 1, 2, 3, 4, 5, 6, 8, 10, 11, 12, 13, 14, 18, 19, 21, 22, 23, 25, and 26 as shown on the Final Map for JCS Capital Resources , filed in the Book of 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 Environmental Health Unit (Health). If an on-site septic system is proposed for a portion of a lot that has not had an approved percolation test, additional percolation tests and design recommendations may be required.”</i> <i>“This notice is not intended to affect record title interest. Percolation tests and soils analysis tests show that conventional on-site sewage disposal systems cannot be constructed on Lots 7, 9, 15, 16, 17, 20, 24, and 27 as shown on the Final Map for JCS Capital Resources, filed in the Book of Maps at Page ____ , Mariposa County Records based upon limiting soil conditions; however, the test results meet Health’s Land Division policy requirements for use of engineered, alternative design on-site sewage disposal systems. The State of California is in the process of developing Statewide on-site sewage disposal regulations that could affect the future installation of engineered, alternative design on-site sewage disposal systems; therefore, buyers are encouraged to check with Health regarding State or local regulation changes that could affect the installation of an on-site sewage disposal system on this lot.”</i> Additionally, a notice shall be filed concurrently with the final map and referenced on the final map or shall be included on an additional map sheet which indicates its relationship to the final map. The notice shall state: <i>“This notice is not intended to affect record title interest. The properties described as Lots 7, 9, 15, 16, 17, 20, 24, and 27 as shown on the Final Map for JCS Capital Resources, filed in the Book of Maps at Page ____ , Mariposa County Records are required to be served by an alternative design on-site sewage disposal system which is to be installed in the exact area tested and approved by the Mariposa County Environmental Health Unit (Health) unless Health approves an alternate location as described below. Construction plans for the alternative design on-site sewage disposal system must be submitted to and approved by Health prior to the issuance of a development permit for any construction activities other than a private well. A map showing the approved location and a report including percolation test and soil profile analysis results is on file at Health. The alternative design on-site sewage disposal system is to be maintained in accordance with Health’s Policy 03-01 which</i>	Health Unit	
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<i>states, "A maintenance entity shall be required prior to approval and installation of a special design sewage disposal system on a land division. In lieu of a public entity, an operation and maintenance protocol may be submitted for approval by the manufacturer of a specific technology." Said maintenance entity shall be created to provide maintenance on the engineered sewage disposal systems prior to issuance of a development permit for residential construction activities other than a private well.</i> <i>In the event that additional soils testing is conducted demonstrating that an alternative design on-site sewage disposal system is not necessary, Health may allow the use of a conventional on-site sewage disposal system in the newly tested area. Any newly tested area requiring the use of an engineered alternative design on-site sewage disposal system must meet the same minimum soils requirements of Health's Policy 03-01 as a newly created parcel."</i> (Section 16.12.330, County Subdivision Ordinance; Environmental Health Unit Recommendation)		
35. All Health Department fees shall be paid prior to filing of the final map. (Environmental Health Unit Recommendation)	Health Unit	
36. The applicant has provided proof of water to the satisfaction of the Environmental Health Unit. The applicant shall record a disclosure statement concurrently with and referenced on the final map or include the disclosure statement on an additional map sheet which indicates its relationship to the final map. The statement shall be the following: <i>"This notice is not intended to affect record title interest. Water supplies for residential lands are derived from private wells on these lots. Mariposa County groundwater supplies are found in fractures in the bedrock. The costs associated with drilling and developing a private well is highly variable because it is unknown how much or if any additional water can be found on these lots. There is no guarantee additional potable water supply of adequate quality or quantity can be found or sustained on any lot shown on this map."</i> (Section 16.20.230, Mariposa County Code)	Health Unit/ Mariposa Planning	
37. The applicant shall obtain a land development Burn Permit from the Mariposa County Air Pollution Control District prior to lighting any fires to dispose of brush, grass, trees and other flammable debris generated during ground clearing activities associated with compliance with the conditions outlined for this project. Mariposa County Air Pollution Control District	Mariposa County Air Pollution Control District	
CEQA MITIGATION MEASURES		

38. Prior to commencement of construction or grading activities on the project site that is necessary to implement project conditions of approval relating to easement road construction, a qualified biologist shall conduct a pre-construction survey of the project site to determine if special-status species are located in those areas proposed for road improvement. The survey shall be conducted within 30 days of the initiation of construction or grading activities. Should special-status species be discovered during the survey, the project applicant shall comply with all protocols mandated by the qualified consultant in consultation with applicable resource agencies to protect these species. The Planning Department shall be provided a copy of the results of any survey conducted and evidence that any required mitigation measures have been implemented prior to initiation of construction or grading activities. (Mitigation Measure 4.a.1)	Mariposa Planning/ County Surveyor	
39. Prior to commencement of construction of any easement road improvements, road construction, or other easement road building activities required as a condition of approval for the project, which has the potential to impact the wetland features associated with the Open Water pond and the ephemeral drainages, the project applicant shall obtain any required permitting pursuant to Section 404 of the Clean Water Act from the United States Army Corps of Engineers and, if such permitting is required, a Section 401 Water Quality Certification from the Regional Water Quality Control Board – Central Valley Region. The project proponent shall provide a copy of the permit and certification to the Mariposa County Public Works Department or evidence that a permit is not required prior to the onsite consultation meeting required as a condition of approval for the project. If such permitting is required all provisions of the Section 404 permit and Section 401 water quality certification shall be completed prior to the filing of the final map. The applicant shall submit to the County Surveyor evidence that all permit and certification requirements have been met to the satisfaction of applicable agencies. (Mitigation Measure 4.b.1)	County Surveyor/ Mariposa Planning	
40. The final map shall show the wetland features within Owens Creek, the eastern drainage, western drainage, and pond inflow and outflow. An open space setback of twenty-five (25) feet from the edge of the seasonal wetlands, the pond and twenty-five (25) feet from the centerline of Owens Creek and the eastern and western ephemeral drainages located on the project site as shown on the tentative map, which is designed to protect any special status wildlife, wetland features and species, oak woodland habitat and any sensitive habitat that may potentially occur, shall be shown on the final map. The setback area shall exclude the proposed road crossings. A statement shall be recorded in Official Records concurrently with the final map and referenced on the final map or shall be included on an additional map sheet which indicates its relationship to the final map. The statement shall be as follows: <i>“This notice is not intended to affect record title interest. There are open space setbacks on Lots 3, 5, 6, 7, 8, 12, 14 15, 16, 19, 20, 21, 24, 25, and 27 as shown on the Final Map for JCS Capital Resources filed in the Book of Maps ____ at Page ____, Mariposa County Records. The setback is twenty-five (25) feet from</i>	Public Works/Mariposa Planning	

<i>the edge of the seasonal wetlands and pond, and 25 feet from the centerline of Owens Creek and from the centerline of the ephemeral drainages. No structure or improvement shall be constructed within the open space setback except as provided below. A well or wells, water pipes, underground and above ground power lines, fencing and other similar structures or improvements may be constructed within the open space setback subject to approval by the Planning Director. Consultation with a qualified biological consultant, whose services shall be paid for by the property owner, may be required by the Planning Director in order to make a determination. No removal of vegetation except noxious weeds identified by the United States Department of Agriculture, the California Department of Food and Agriculture, and/or the Mariposa County Agricultural Commissioner, as determined necessary by CAL FIRE, or as needed to implement the uses described in this and the following paragraph shall be allowed within the open space setback. No grading shall be allowed within the setback, except as needed to implement the uses described in this and the following paragraph.</i> <i>Prior to any grading or construction activities occurring within this setback area, the owner of said lots shall contact the California Department of Fish and Wildlife to determine if a State Fish and Game Code Section 1602 Streambed Alteration Notification is required. If required, the owner shall submit the notification and comply with all applicable requirements of Section 1600 et seq. of the State Fish and Game Code.</i> <i>Depending upon the location and nature of the construction, grading, or disturbance within the setback area, the parcel owner may be required to obtain from the Army Corps of Engineers permitting under Section 404 of the Clean Water Act. This agency shall be contacted prior to initiation of any disturbance to the setback area. If a Section 404 permit is required, a Section 401 Water Quality Certification from the State Regional Water Quality Control Board shall also be required”.</i> (Mitigation Measure 4.b.2)		
41. Prior to commencement of construction or grading activities on the project site that is necessary to implement project conditions of approval relating to easement road construction, between February 1 and August 3, a qualified biologist shall conduct a pre-construction survey of the project site to determine if nesting raptors are extant in those areas proposed for construction or grading activities. The survey shall be conducted within 30 days of the initiation of construction or grading activities. Should nesting raptors be discovered during the survey, the project applicant shall comply with all protocols mandated by the qualified consultant in consultation with applicable resource agencies to protect nesting raptors. The Planning Department shall be provided a copy of the results of any survey conducted and evidence that any required mitigation measures have been implemented prior to initiation of construction or grading activities. (Mitigation Measure 4.d.1)	County Surveyor/ Mariposa Planning	
42. Open space setbacks of 10 feet from the perimeter of bedrock milling stations as identified in the Cultural Resource Survey prepared for the project site dated	Mariposa Planning	

January 2002 shall be established and shown on the final map for the project. A document shall be recorded and referenced on the final map stating the following: <i>“No structure shall be constructed within the open space setbacks as shown on the final map filed in Book of Maps at Page _____, Mariposa County Records. No portions of a sewage disposal system shall be constructed within the open space setbacks. No grading shall be allowed within the setback. The setbacks shall be in perpetuity and shall restrict the use of the land within the setbacks.”</i> (Mitigation Measure 5.a.1)		
43. A historic preservation setback running the full length of and for five (5) feet on both sides of the rock wall on the project site shall be shown on the final map. The Mariposa County Planning Director shall approve the location of the setback prior to the filing of the final map. A statement shall be recorded in Official Records concurrently with the final map and shall be referenced on the final map as follows: <i>“The historic rock wall located on Lots 22 and 23, as shown on the final map filed in Book of Maps at Page _____, Mariposa County Records, is surrounded by an historic preservation setback of five (5) on both sides of the wall and the wall shall not be altered, disturbed, removed or destroyed, with the following exception, without the review and approval of the Mariposa County Board of Supervisors.</i> <i>The existing opening in the wall on Lot 23 shall be allowed to be expanded up to 20 feet in width to allow for access to the lot providing the terminations of the rock wall at either side of the opening are properly stabilized to maintain the integrity of the remaining wall.”</i> <i>(Should lots be merged and/or the subdivision map modified from the current configuration, the mitigation language relating to lot numbers shall be changed to reflect the modification.)</i> (Mitigation Measure 5.a.2)	County Surveyor/ Mariposa Planning	
44. In the event human remains, artifacts, or potentially significant cultural resources are discovered during ground disturbance on the project site, a Native American monitor shall be on-site for the duration of ground disturbance. During road grading, soil testing and/or construction, or any activity that involves ground disturbance necessary to implement project conditions of approval, if any signs of prehistoric, historic, archaeological, paleontological resources are evident, all work activity within fifty feet of the find shall stop and the Mariposa County Planning Department shall be notified immediately. No work shall be done within fifty feet of the find until Planning has identified appropriate measures to protect the find and those measures have been implemented by the applicant. Protection measures for the site may include, but not be limited to, requiring the applicant to hire a qualified archaeologist who shall conduct necessary inspections and research, and who may supervise all further ground disturbance activities and make any such recommendations as	Planning	

necessary to ensure compliance with applicable regulations. In addition to the Planning Department, the Mariposa County Coroner and the Native American Heritage Commission shall be notified should human remains be discovered. If the remains are determined by the Native American Heritage Commission to be Native American, the NAHC guidelines shall be adhered to in treatment and disposition of the remains. Representatives of the Most Likely Descendant shall be requested to be on-site during disturbance and/or removal of human remains. (Mitigation Measure 5.c.1)		
45. Prior to the issuance of a grading permit for the project, the project applicant shall submit engineered drainage plans to the California Department of Transportation for review to ensure that all Caltrans requirements regarding drainage from the project site are addressed. The drainage plans shall be prepared to Caltrans standards. The plans shall show how any runoff into State drainage facilities from the site is to be treated to meet current stormwater quality standards. If flows into State drainage facilities will not be increased by the project, the project shall provide Caltrans with information utilized to arrive at that conclusion. Verification of Caltrans review and approval of the drainage plans shall be provided to the Mariposa County Planning and Public Works departments prior to the issuance of a grading permit for the project. The Planning Director may waive this requirement if evidence is provided to show that drainage does not flow into the State right-of-way of Highway 140. (Mitigation Measure 10.c.1)		
46. A document shall be recorded and referenced on the final map stating the following: <i>“The owner of Lot 21 as shown on the final map for JCS Capital Resources filed in Book of Maps at Page____, Mariposa County Records is responsible for maintenance of the earthen dam located on this lot. The dam shall be maintained in a manner that prevents, to the maximum extent feasible, failure of the dam that could result in impacts to persons or property downstream of the dam. The lot owner is encouraged to enlist the services of a qualified registered civil engineer to inspect the dam on a periodic basis to ensure dam safety.”</i> <i>(Should lots be merged and/or the subdivision map modified from the current configuration, the mitigation language relating to the lot number shall be changed to reflect the modification.)</i> (Mitigation Measure 10.d.1)		
47. Two copies and a digital version of the final map for the project delineating all required setbacks (including from Owens Creek, wetland features and ephemeral drainages), sewage reserve areas as approved by the Health Department, and approximate location of slopes greater than 15% for all lots zoned for residential development shall be submitted to the Planning Department. A statement shall be recorded in Official Records concurrently with the final map, referenced on the final map or shall be included on an additional map sheet which indicates its relationship to the final map. The statement shall		

be made applicable to all parcels zoned for residential development. The statement shall be as follows:

“This notice is not intended to affect record title interest. The General Plan and Catheys Valley Community Plan establish design review objectives and policies for existing and future residential parcels with slopes in excess of 15%. Pending adoption of specific zoning regulations, all building permits for lots with slopes in excess of 15% shall be reviewed pursuant to the hillside development standards established for the Mariposa Town Planning Area pursuant to Section 17.336.040.A-C. of Mariposa County Code; Sections 17.336.040.A-C standards (or as amended) shall apply to future building and grading permits on the residential lots until such time as specific standards for the Catheys Valley Community Plan are developed and adopted for hillside and ridge top development, upon which time those standards shall apply. Building and site work on the residential lots on areas which are less than 15% grade shall be exempt from the standards. A map delineating all required setbacks (from Owens Creek and ephemeral drainages), sewage reserve areas as approved by the Health Department, and the approximate location of slopes greater than 15% in on file with the Planning Department in Major Subdivision No. 2009-052’s application file.”

(Mitigation Measure 11.b.1)

RECOMMENDATION ON OFFERS OF DEDICATION

Staff recommends that the Planning Commission recommend that the Public Works Director accept the offers of dedication for public access and utilities, but not for maintenance, for the on-site easement roads offered for dedication for public road and utility purposes.

Staff recommends that the Planning Commission recommend that the Public Works Director accept the offers of dedication for public utilities.

Mariposa Planning Recommendation

Public Works

Agency Contact List

AGENCY	CONTACT	PHONE NUMBER EMAIL	SITE ADDRESS	MAILING ADDRESS
Mariposa Planning	Alvaro Arias	209-742-1218 aarias@mariposacounty.org	5100 Bullion Street Mariposa CA 95338	P.O. Box 2039 Mariposa CA 95338
Public Works	Russell Marks	209-966-5356 rmarks@mariposacounty.org	4639 Ben Hur Road Mariposa CA 95338	Same as site
Health Unit	Dave Conway	209-966-2220 dconway@mariposacounty.org	5100 Bullion Street Mariposa CA 95338	P.O. Box 5 Mariposa CA 95338
Mariposa County Resource Conservation Dist.		209-966-3431	5009 Fairgrounds Rd Mariposa CA 95338	P.O. Box 746 Mariposa CA 95338
County Assessor	Sarah Hughes	209-966-2332 shughes@mariposacounty.org	4982 10th Street Mariposa CA 95338	P.O. Box 35 Mariposa CA 95338
County Fire	Chris Bernard	209-966-4330 Chris.bernard@fire.ca.gov	5082 Bullion Street Mariposa CA 95338	P.O. Box 162 Mariposa CA 95338

Major Subdivision No. 2009-052
 Planning Commission Meeting of September 24, 2021
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CAL FIRE	Darrin McCully	209-966-3622	5366 Highway 49N Mariposa CA 95338	5366 Highway 49N Mariposa, CA 95338
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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*.

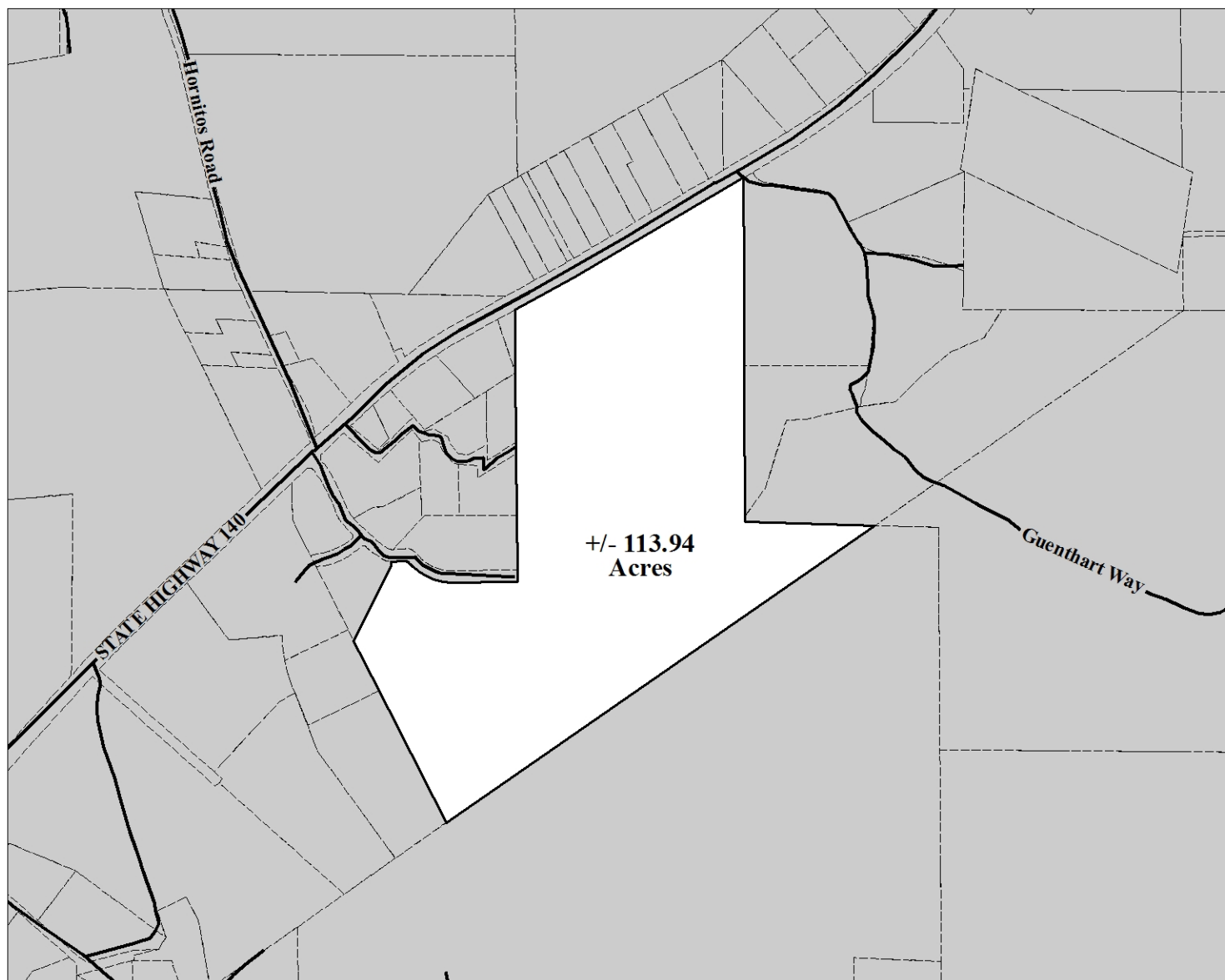
 Environmental Coordinator

 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.

PROJECT VICINITY MAP



0 500 1,000 FEET

PROJECT TYPE: Major Subdivision Application No. 2009-52

APPLICANT: JCS Capital Resources

APN: 016-110-049

PROJECT ADDRESS: 2748 State Highway 140
Catheys Valley, CA 95306

MAP CREATED ON: APRIL 29, 2009

DATA SOURCE: PARCEL MAP FROM MARIPOSA COUNTY ASSESSOR'S MAP;
APRIL 2009 UPDATE

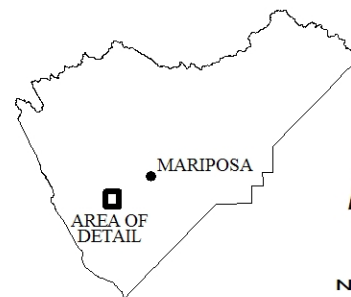
MAP CREATED BY: EE MERIAM, GIS TECHNICIAN



MARIPOSA COUNTY PLANNING DEPARTMENT
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MARIPOSA COUNTY MAKES NO WARRANTY REGARDING THE ACCURACY OF THE GIS OR THE ANALYSIS AND CONCLUSIONS RESULTING FROM USING OUR GIS DATA

-  PROJECT LOCATION
-  ASSESSOR PARCEL MAP
-  ROADS



Attachment: Vicinity Map (2021-PCRES-14 : Major Subdivision No. 2009-052; JCS Capital Resources)

JCS CAPITAL RESOURCES
13131 DIERICK DR.
MOUNTAIN VIEW, CA 94040
(650) 799-6179

MARIPOSA COUNTY
FEBRUARY 2020

TOTAL SUBDIVIDED AREA: 114.84 ACRES

NOTES:

- [illegible]

PREPARED
BY: Richard A. Seaman, L.S. 53

URVEYORS
RAS 2/4/2020
TSMsheet1.dwg

REVISED 2/4/2020
TENTATIVE SUBDIVISION M.

FOR
JCS CAPITAL RESOURCES
13131 DIERICK DR.
MOUNTAIN VIEW, CA 94040
(650) 799-6179

BEING A DIVISION OF PARCEL A AS SHOWN ON F
MAP BOOK 21, PAGE 7, MCR., SITUATED IN A PC
OF THE SW1/4 OF THE SE1/4 OF SECTION 3 &
PORTION OF SECTION 10, T. 6 S., R. 17 E., M.D

MARIPOSA COUNTY
FEBRUARY 2020

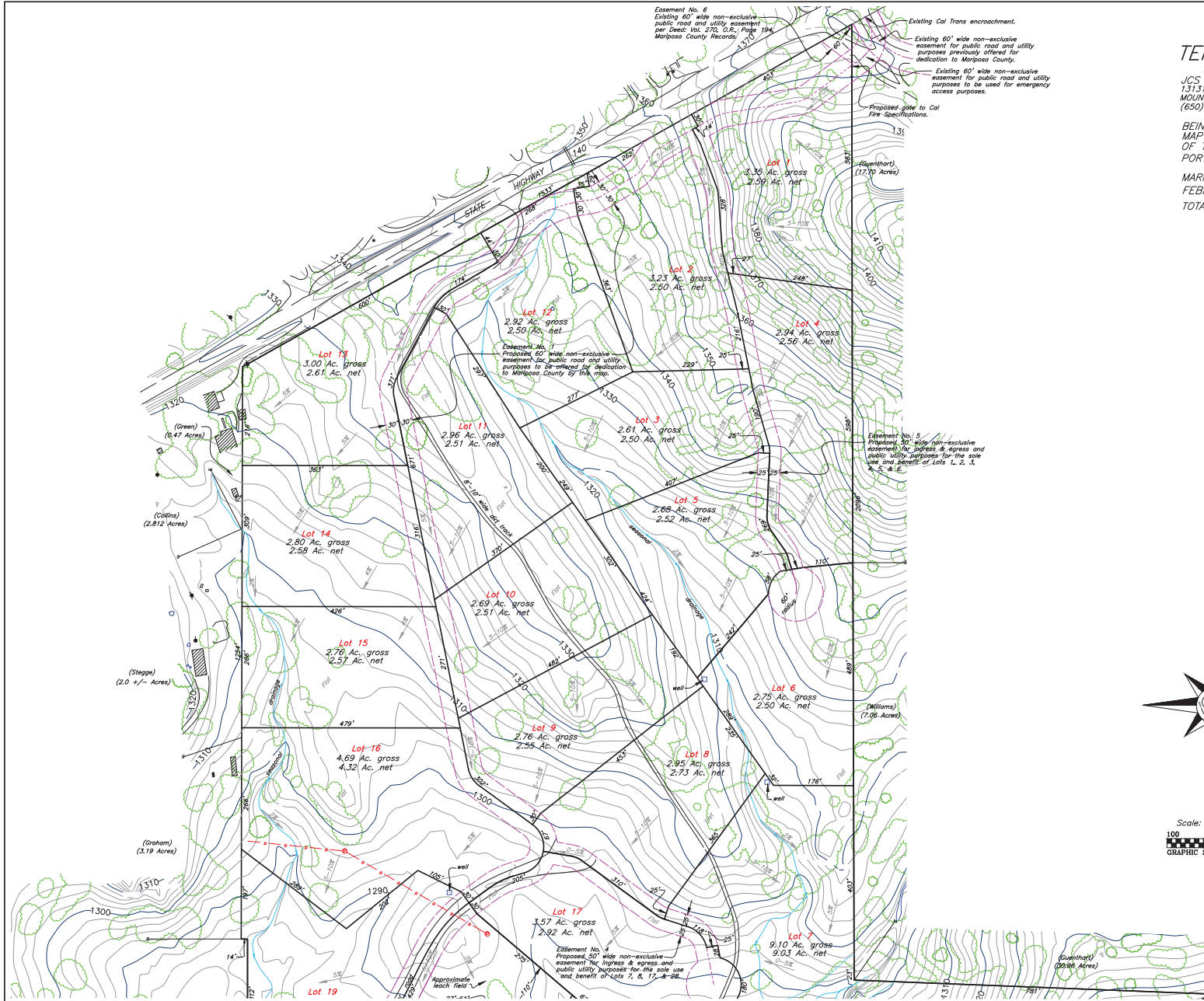
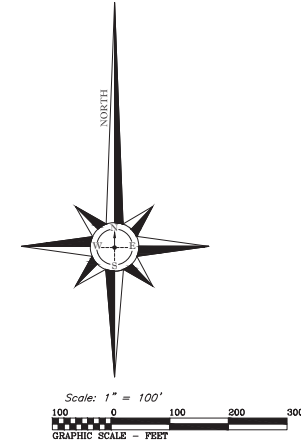
CALIFORNIA
SCALE: 100'

TOTAL SUBDIVIDED AREA: 114.84 ACRES

SHEET 2 OF 5

NOTES:

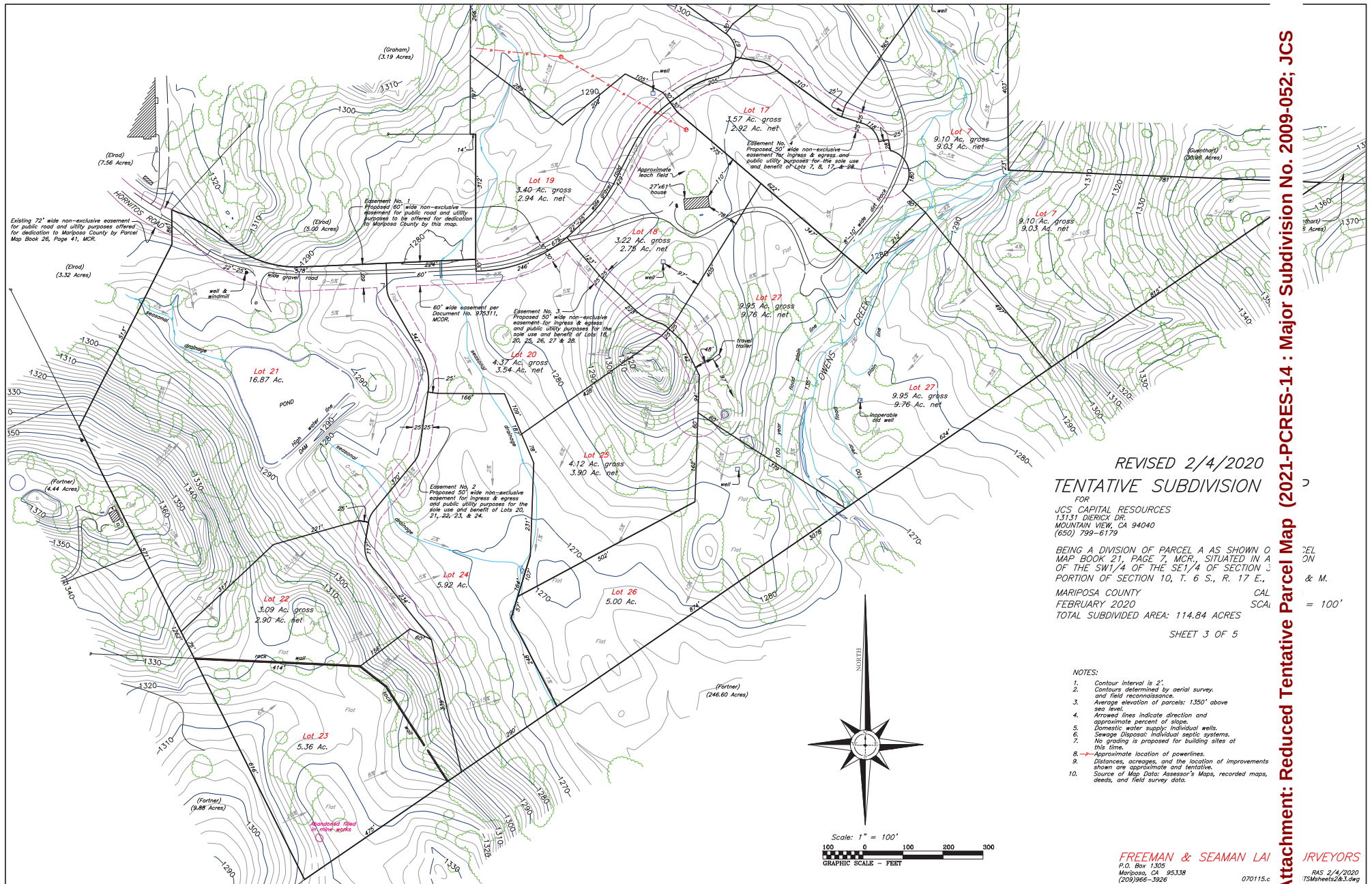
1. Contour interval is 2'.
2. Contours determined by aerial survey, and field reconnaissance.
3. Average elevation of parcels: 1350' above sea level.
4. Arrows indicate direction and approximate percent of slope.
5. Domestic water supply: individual wells.
6. Sewage disposal: individual septic systems.
7. No grading is proposed for building sites at this time.
8. Approximate location of powerlines.
9. Distances, acreages, and the location of improvements shown are approximate and tentative.
10. Source of Map Data: Assessor's Maps, recorded maps, deeds, and field survey data.



FREEMAN & SEAMAN LA.
P.O. Box 1301
Mariposa, CA 95338
(209) 966-3926

URVEYORS
RAS 2/4/2020
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Attachment: Reduced Tentative Parcel Map (2021-PCRES-14 : Major Subdivision No. 2009-052; JCS



REVISED 2/3/2020
TENTATIVE SUBDIVISION M.

FOR
JCS CAPITAL RESOURCES
13131 DIERICK DR.
MOUNTAIN VIEW, CA 94040
(650) 799-6179

BEING A DIVISION OF PARCEL A AS SHOWN ON F
MAP BOOK 21, PAGE 7, MCR., SITUATED IN A PC
OF THE SW1/4 OF THE SE1/4 OF SECTION 3 &
PORTION OF SECTION 10, T. 6 S., R. 17 E., M.D.

MARIPOSA COUNTY CALIFORNIA
FEBRUARY 2020 SCALE: 100'

TOTAL SUBDIVIDED AREA: 114.84 ACRES
SHEET 4 OF 5

NOTES:

1. Contour interval is 2'.
2. Contours determined by aerial survey, and field reconnaissance.
3. Average elevation of parcels: 1350' above sea level.
4. Arrows indicate direction and approximate percent of slope.
5. Domestic water supply: individual wells.
6. Sewage Disposal: Individual septic systems.
7. No grading is proposed for building sites at this time.
8. Approximate location of powerlines.
9. Distances, acreages, and the location of improvements shown are approximate and tentative.
10. Source of Map Data: Assessor's Maps, recorded maps, deeds, and field survey data.



Approximate location of Verified wetlands with 25' setback



Variable width building setback



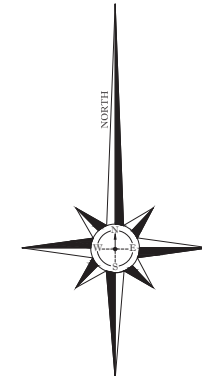
Potential 50'x100' building site



Approximate location of proposed septic leach field site, per O.S.T. Systems "Soils Report Site Plan".



Cultural resource site



Scale: 1" = 100'
100 0 100 200 300
GRAPHIC SCALE - FEET

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URVEYORS
RAS 2/1/20
575Mshet4d5.dwg

Attachment: Reduced Tentative Parcel Map (2021-PCRES-14 : Major Subdivision No. 2009-052; JCS



Easement Legend Map

REVISED 2/4/2020
TENTATIVE SUBDIVISION MAP
FOR

JCS CAPITAL RESOURCES
13131 DIERCK DR.
MOUNTAIN VIEW, CA 94040
(650) 799-6179

BEING A DIVISION OF PARCEL A AS SHOWN ON PA
MAP BOOK 21, PAGE 7, MCR., SITUATED IN A POR
OF THE SW1/4 OF THE SE1/4 OF SECTION 3 & 4
PORTION OF SECTION 10, T. 6 S., R. 17 E., M.D.E

MARIPOSA COUNTY
FEBRUARY 2020

CALIFORNIA
SCALE: 1" = 100'

TOTAL SUBDIVIDED AREA: 114.84 ACRES

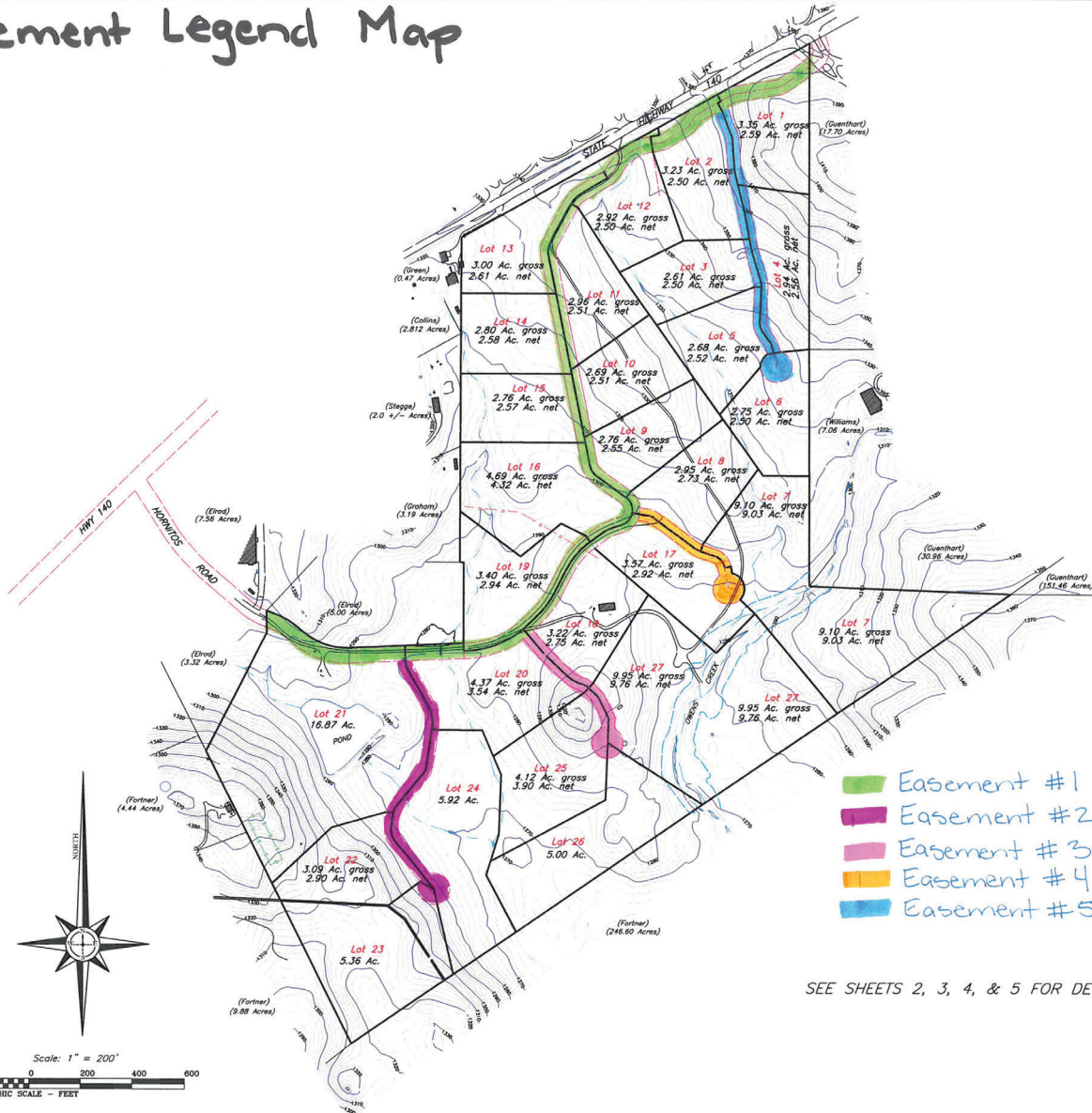
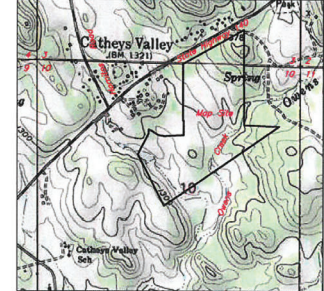
SHEET 1 OF 5

NOTES:

1. Contour interval is 2'.
2. Contours determined by aerial survey.
3. Average elevation of parcels: 1350' above sea level.
4. Dashed lines indicate direction and approximate percent of slope.
5. Domestic water supply: individual wells.
6. Sewage Disposal: individual septic systems.
7. No grading is proposed for building sites at this time.
8. Approximate location of powerlines.
9. Distances, acreages, and the location of improvements shown are approximate and tentative.
10. Source of Map Data: Assessor's Maps, recorded maps, deeds and survey data.

VICINITY MAP

T. 6 S., R. 17 E., M.D.B. & M.



- Easement #1
- Easement #2
- Easement #3
- Easement #4
- Easement #5

PREPARED BY:

Richard A. Seaman, L.S. 5339

FREEMAN & SEAMAN LAND

P.O. Box 1305
Mariposa, CA 95339
(209) 968-3926

070115.crd/0701

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1/2020
1.dwg

Attachment: Easement Legend Map (2021-PCRES-14 : Major Subdivision No. 2009-052; JCS Capital

County of Mariposa

California Environmental Quality Act Initial Study

A. PROJECT INFORMATION:

Project Title: **Major Subdivision No. 2009-052, JCS Capital Resources**

Lead Agency: Mariposa County

Date: April 26, 2021

Contact: Alvaro Arias, Deputy Director
Mariposa County Planning Department
5100 Bullion Street, Mariposa, CA 95338
P.O. Box 2039, Mariposa CA 95338
Phone: (209) 966-5151 Fax: (209) 742-5024
Email: aarias@mariposacounty.org

Project Applicant: JCS Capital Resources, LLC
4970 El Camino Real #230, Los Altos, CA 94022

Project Description: Subdivision creating 27 lots ranging in size from 2.61 acres gross (2.50 acres net) to 16.87 acres. The total acreage of the project site is 114.84 acres. The proposed lots are located within a residential land use classification and will be available for residential uses.

Access to the project is from an extension of Hornitos Road (south of Highway 140) into the project site. Hornitos Road at State Highway 140 is improved with a left turn lane. The extension of Hornitos Road on-site is via a 60-foot-wide non-exclusive easement offered for dedication. This easement connects to Guenthart Way at the northeast corner of the project site, which also connects to State Highway 140 at an existing CalTrans encroachment, recently improved through the encroachment permit process for another land division. The applicant proposes a “gate to Cal Fire specifications” at the intersection of the project site access road and Guenthart Way, and this access to State Highway 140 is shown as an access to be used for “emergency access purposes”. Four additional on-site 50-foot-wide non-exclusive cul-de-sac easements created for use and benefit of the subject lots are proposed for access within the project site. There is an existing ranch road on-site, which is the proposed main access road alignment for only a small portion of the route. There is an existing highway access encroachment (off proposed Lot 12), which is not proposed for access to the project site.

Location:

The project site is located at 2748 Highway 140, Catheys Valley and is known as APN 016-110-049. It is in Sections 3 and 10, in Township 6 South, Range 17 East, MDBM. It is in the USGS 7.5-minute Catheys Valley topographic quadrangle.

General Plan/Zoning:

Site Development
Characteristics:

While the project is within the boundaries of the adopted Catheys Valley Community Plan, the subdivision project was submitted and deemed complete prior to the adoption of the plan, thus it is not subject to the policies contained in the plan. The Interim Community Center land use classification applies to this parcel for review of this subdivision. Per the General Plan, the “Interim Community Center land use classification identifies lands for single family dwellings within a Planning Area for which an area plan has not yet been adopted.” The Interim Community Center land use also establishes a minimum parcel size of 2.5 acre for new subdivisions. Future development on the created lots will be subject to the standards and policies of the Catheys Valley Community Plan. The property is in the Interim Community Center land use classification of the Catheys Valley Planning Study Area and is zoned Town Planning Area (TPA). The minimum parcel size for the TPA zone is 2.5-acres with on-site wells and sewage disposal systems. The project site is within the Community Residential land use designation of the Catheys Valley Community Plan.

A previous minor land division for the site, Land Division Application (LDA) No. 1542 (Dinnel), proposed the division of the project site into 4 parcels and a remainder. The approved tentative parcel map for this project has expired.

There is an existing ranch road on-site, which is the proposed main access road alignment for only a small portion of the route. There is an existing highway access encroachment (off proposed Lot 12), which is not proposed for access to the project site.

There is an existing residence, well and appurtenant facilities on proposed Lot 18. There is also a large pond on proposed Lot 21. The tentative map also shows a well on proposed Lot 19. Owens Creek flows through the southeast portion of the project site. Owens Creek is a blue line feature on the USGS map. The 100-year flood plain for Owens Creek is shown on the tentative map. The boundaries of the floodplain are based on analysis by Roger Stephens, Roger Stephens Engineering.

The site has varying slopes ranging from flat to 25+%. Elevations on the site range from 1,250 to 1,400 feet above sea level. Most of the property is blue oak series and California annual grassland series according to the Biological Resources Inventory prepared for the project. The blue oak series includes blue oak as the most widespread tree species on-site, with willows and Fremont cottonwoods along Owens Creek and the spring fed drainages that flow into the perennial stock pond on-site. Blue elderberry and oak gooseberry are dominant shrubs on-site.

Project Studies:

The following studies have been completed for this project and are available for review (except the Cultural Resources Survey) at the Mariposa County Planning Department. Recommendations and conclusions of these studies are discussed in this study and are part of the proposed project.

- a. Biological Resources Inventory at the 114± acre “Dinnel” Site, Mariposa County, California, Moore Biological Consultants, April 30, 2009.

- b. Catheys Valley Project Biological Assessment, Mariposa County, CA – ESR, Inc. – June 2015
- c. Catheys Valley Project Biological Assessment, Mariposa County, CA – ESR, Inc., June 2015; Updated by Mitigation Properties, October 2019.
- d. Cultural Resources Study of Property in Catheys Valley, Mariposa County, California – Varner Associates, January 2002; updated June 8, 2009 and September 10, 2019. **(Confidential-Not available for public review)**
- e. Preliminary Soil Investigation – See’s Consulting and Testing, February 6, 2009.
- f. Preliminary Sewage Feasibility and Soils Analysis Report – O.S.T. Systems, Designs, April 1, 2009.
- g. Result of Well Testing and Water Supply Assessment – HerSchy Environmental, Inc., June 11, 2020.

Uses of this Document

The following permits may be required and Responsible and Trustee Agencies may wish to use this document in the review of these permits.

- A National Pollutant Discharge Elimination System (NPDES) General Permit will be required from the Regional Water Quality Control Board for conveyed discharges into ephemeral drainages and Mariposa Creek.
- Section 404 and Section 401 permits under the Clean Water Act.
- Streambed Alteration Agreement.

Reference Documents:

All of the documents cited and relied upon in the preparation of this Initial Study are available at the County of Mariposa Planning Department, with the exception of the Cultural Resources Survey for this property, which is confidential, and are hereby incorporated into the record for this Initial Study.

B. SUMMARY OF PROJECT IMPACT TO ENVIRONMENTAL FACTORS:

(blank): no impact

L: Less than Significant Impact

M: Less than Significant Impact with Mitigation

PS: Potentially Significant

L	<i>Aesthetics</i>		<i>Agriculture/Forest Res.</i>	L	<i>Air Quality</i>
M	<i>Biological Resources</i>	M	<i>Cultural Resources</i>	L	<i>Energy</i>
L	<i>Geology/Soils</i>	L	<i>Greenhouse Gas Emissions</i>	L	<i>Hazards and Hazardous Mat.</i>
M	<i>Hydrology/Water Quality</i>	M	<i>Land Use/Planning</i>		<i>Mineral Resources</i>
L	<i>Noise</i>	L	<i>Population/Housing</i>	L	<i>Public Services</i>
L	<i>Recreation</i>	L	<i>Transportation</i>	L	<i>Tribal Cultural Res.</i>
L	<i>Utilities/Service Systems</i>	L	<i>Wildfire</i>	M	<i>Mandatory Findings of Significance</i>

This study found that the project has the potential to have significant impacts on biological resources. These resources are potential jurisdictional Waters of the U.S. and wetlands in the form of Owens Creek, the seasonal wetland corridor associated with the culvert directed runoff from Highway 140 and ephemeral drainages and wetland features associated with the open water pond, and State drainage facilities and maintenance of a dam on the site. The project also has the potential to impact nesting raptors and special-status species. Mitigation measures are proposed to reduce these potentially significant impacts to less than significant levels. The project has the potential to impact cultural resources. These resources are bedrock milling stations and an historic rock wall. Mitigation measures are proposed to reduce these potentially significant impacts to less than significant levels. These measures are shown in the Biological Resources, Cultural Resources, Hydrology/Water Quality, and Land Use and Planning sections of this study.

C. TABLE OF CONTENTS

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Section A

CEQA DETERMINATION OF IMPACT

On the basis of this initial evaluation:

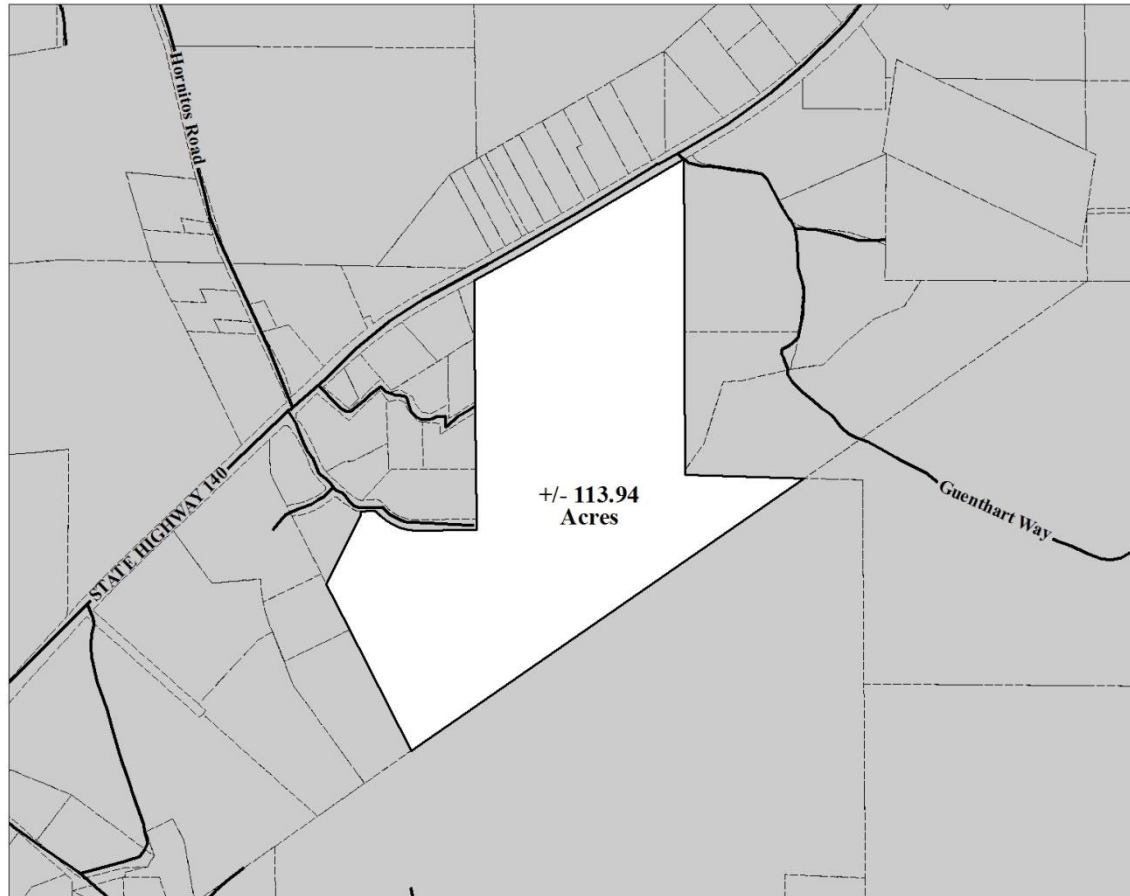
- ☐ 1) I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ 2) I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ 3) I find the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ 4) I find the proposed project MAY have a “potentially significant impact” or “Less Than Significant With Mitigation” impact on the environment, but at least one effect: 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ 5) I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects: (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR, or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

By: Alvaro Arias Date: 4/26/2021

Title: Deputy Director Representing: County of Mariposa

Signature: /s/

PROJECT VICINITY MAP



0 500 1,000 FEET

PROJECT TYPE: Major Subdivision Application No. 2009-52

APPLICANT: JCS Capital Resources

APN: 016-110-049

PROJECT ADDRESS: 2748 State Highway 140
Catheys Valley, CA 95306

MAP CREATED ON: APRIL 29, 2009

DATA SOURCE: PARCEL MAP FROM MARIPOSA COUNTY ASSESSOR'S MAP;
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MAP CREATED BY: EE MERIAM, GIS TECHNICIAN



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-  PROJECT LOCATION
-  ASSESSOR PARCEL MAP
-  ROADS





Section B

CEQA ENVIRONMENTAL CHECKLIST

EVALUATION OF ENVIRONMENTAL IMPACTS

1. AESTHETICS

1. AESTHETICS Would the project:	Potentially significant impact	Less than significant with mitigation incorporation	Less than significant impact	No impact
a) Have a substantial adverse effect on a scenic vista?			√	
b) Substantially damage scenic resources, including but not limited to: trees, rock outcroppings, and historic buildings within a state scenic highway?				√
c) In nonurbanized areas, substantially degrade the existing visual character or quality of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?			√	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			√	

1. a and c

The proposed project is located in the heart of Catheys Valley, an area of foothills visually defined by large rural “working” landscapes consisting of gently rolling hills, oak woodland, rock outcroppings, grasslands, creeks, ephemeral drainages and wetlands. The subject site contains all of these elements, including hillsides with slopes predominantly ranging from 5 – 15%, with some areas of steeper slopes of 25% - 30%.

There are two elements involved in determining the level of significance of potential impacts to visual quality; the effect of the project on:

- 1) The rural character of the area, as that character is defined by the General Plan; and
- 2) Viewsheds in relation to the values expressed in the Mariposa County General Plan regarding noted types of sensitive landscape elements.

The General Plan EIR points of significance (Table 4.12-1, pg. 4-69) indicate potentially significant impacts will occur with development of *non-single family residential development* that does not adhere to related General Plan policies of Chapters 5, 7, 10, 11 and 14. The project is the subdivision of lots for residential development, *thus the proposed subdivision will not have a potentially significant impact on viewsheds.*

1.b State Scenic Highway

The project is not adjacent to, or visible from, a designated State Scenic Highway, *thus the project will have no impact.*

1.d. Create Light or Glare

A significant impact would be one that creates a new source of substantial light or glare that would adversely affect day or nighttime views in the area. While future residential development of the lots will result in an increase of light and glare, the amount generated is typically low in quantity (number of lights) and intensity (wattage). The lighting impacts created by future residential development of the lots will be consistent with other similarly developed parcels in the general vicinity of the site. *Therefore, the project will have a less than significant impact.*

2. AGRICULTURE and FOREST RESOURCES

2. AGRICULTURE RESOURCES Would the project:	Potentially significant impact	Less than significant with mitigation incorporation	Less than significant impact	No impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				√
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				√
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)) or timberland (as defined in Public Resources Code section 4526) or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?				√
d) Result in loss of forest land or conversion of forest land to non-forest use?				√
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				√

2.a, b, c, d -e Farmland, Williamson Act, Forest Resources, Agricultural Zoning

A significant impact would be one that converts farmland designated as “prime,” “unique” or “farmland of statewide importance” to nonagricultural uses; conflicts with Williamson Act land; or results in loss or conversion of forest land to non-forest uses. The project is not located in an important farmland area. The area is identified as “grazing” land on the Mariposa County Important Farmland Map, 2016, prepared by the state Department of Conservation under the Farmland Mapping and Monitoring Program. *Therefore, it will have no impact* on any important farmland category. The project site contains no forest land as defined in Public Resources Code (PRC) Section 12220(g) nor timberland as defined in PRC Section 4526.

The proposed project site is not in a Williamson Act Contract and will not conflict with forest land zoning or convert land from agricultural uses. The project site is currently used for grazing as is land to the northeast, east and southeast. However, the land is not located in an agricultural zone. The site is zoned Town Planning Area (TPA) and is currently in the Interim Community Center land use designation (Community Residential in the Catheys Valley Community Plan). The project is consistent with the Mariposa County General Plan and Title 17, Mariposa County Zoning Code.

Thus, the project will not have a potentially significant impact on Agriculture and Forest Resources.

B.3 AIR QUALITY

3. AIR QUALITY – [Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.] Would the project:	Potentially significant impact	Less than significant with mitigation incorporation	Less than significant impact	No impact
a) Conflict with or obstruct implementation of the applicable air quality plan?				√
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?			√	
c) Expose sensitive receptors to substantial pollutant concentrations?			√	
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?			√	

B.3.a Air Quality Plan and Violation of Air Quality Standards

A significant impact would be one that conflicts with or obstructs implementation of the applicable air quality plan.

Under the California Clean Air Act of 1988, districts designated as non-attainment for state Clean Ambient Air Quality Standards (CAAQS) must submit a plan for attaining or maintaining state standards for these pollutants. Mariposa County is located within the Mountain Counties Air Basin (MCAB) and is under the jurisdiction of the

Mariposa County Air Pollution Control District (MCAPCD). Mariposa County is classified as either attainment or unclassified status for all federal air quality standards, except ozone, therefore, the California Air Resources Board is not requiring such a plan be prepared. The MCAPCD has adopted regulation XI and amended rule 513 that address New Source Review for projects that will emit more than 100 tons of Ozone Precursors.

This project is a residential land division of a 114.84 acre parcel into 27 lots ranging in size from 2.5 acres to 16.87 acres. Due to the low density residential development and allowed uses, there would be no significant increase of air pollutants that would exceed 100 tons of Ozone Precursors.

Thus, the project will have no impact on implementation of an Air Quality Plan.

B.3.b Cumulative Impacts

A significant impact would be one that results in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard.

Grading activities during the construction of roadway improvements, driveways and building pads may temporarily increase the level of dust in the air that may have a localized temporary effect on ambient air quality. However, grading for residential development is required to comply with 2019 California Code of Regulations Title 24, Parts 1-12 requirements for grading. Compaction requirements for grading must be met. For grading work during the winter months, no additional soil moisture is needed to meet the compaction requirements and dust emissions are not typical. For grading work during the summer months, addition of soil moisture is typically necessary in order to meet compaction requirements. Consequently, dust emissions are minimized. The Mariposa County Improvement Standards, which will govern any off-site road improvements, contain standards for dust control and soil compaction. Enforcement of the 2019 California Code of Regulations Title 24, Parts 1-12 requirements for grading and Mariposa County Improvement Standards will ensure that construction activities for this project will not create substantial amounts of dust.

The Mariposa County Air Pollution Control District has not developed thresholds of significance for any criteria pollutant as they are either considered to be in attainment or unclassified status for all federal air quality standards, except ozone, but they rely on the points of significance established in the 2006 General Plan Environmental Impact Report (EIR). The EIR establishes as a point of significance for emissions of NO_x, CO, and PM₁₀, emissions in excess of 100 tons per year for any of these. Using the California Emissions Estimator Model (CalEEMod) version 2016.3.2 and using the default values of the program, the estimated emissions of these pollutants for the operational project are 0.588 tons/year for NO_x, 4.38 tons/year of CO, and 0.6402 tons/year of PM₁₀, well below the established point of significance.

Additionally, the project is located within and consistent with the Catheys Valley Community Plan, for which an EIR was adopted, which determined that increases in air contaminant emissions from future growth in Catheys Valley are minimized due to existing policies in the General Plan and Catheys Valley Community Plan. These include locating areas of growth in planning areas and energy conservation measures that are part of existing building code.

Based on this, the project will have a less than significant cumulative impact criteria pollutants.

B.3.c Sensitive Receptors to Pollutants

A significant impact would be one that exposes sensitive receptors to pollutant concentration. Sensitive receptors are defined as members of a population who are most sensitive to the adverse health effects of air pollution and the land uses where these populations groups would reside for long periods. These groups include children, elderly, the acutely ill and the chronically ill, and typical land uses include schools, residential care facilities, and

hospitals. The project is located approximately 2,000 feet from Sierra Foothill Charter School. This project, however, will not result in pollutant concentrations.

Thus, the project will have a less than significant impact on sensitive receptors.

B.3.d Other Emissions Affecting Substantial Number of People

A significant impact would be one that results in other emissions (such as those leading to odors) adversely affecting a substantial number of people. The proposed project results in the creation of 27 residential lots, available for the development of single family residences. The project is a residential project, a use that is not associated with the creation of odors or other emissions. During construction, emissions may be increased, but these are for a limited duration and are regulated by the Mariposa County Air Pollution Control District. All construction equipment must comply with the required State and local emissions standards.

The project will have a less than significant impact.

B.4 BIOLOGICAL RESOURCES

4. BIOLOGICAL RESOURCES Would the project:	Potentially significant impact	Less than significant with mitigation incorporation	Less than significant impact	No impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?		√		
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?		√		
c) Have a substantial adverse effect on state or federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?		√		
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede		√		

the use of native wildlife nursery sites?				
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				√
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				√

An initial biological assessment of the project site was conducted (ESR, Inc. January, 2012). The following supplemental reports and determinations have also been prepared:

- Biological Assessment, June 2015
- Biological Assessment, Updated October 2019

Reconnaissance level field surveys were conducted on November 23, 2011, December 12, 13, and 15, 2011, January 9, 10, 16, and 25, 2012, June 4, 2014 and March 18, 2015, April 14, 2015 and May 22, 2015. These included habitat mapping and inventorying of species, conducting an oak tree community assessment, and focused surveys for sensitive plants during appropriate blooming periods. Additional reconnaissance level work was conducted by Moore Biological Resources on May 2, 21, 2008, November 13, 2008, and May 21, 2009 (Oak Impact Assessment). A reconnaissance survey was conducted by Mitigation Properties on October 23, 2019 to verify site conditions had not changed significantly since the 2015 surveys and as described in the original 2015 report.

The results of those surveys are contained in the original biological assessment and the updates. The biological assessments related to this project are available for review at the Mariposa County Planning Department.

The California Department of Fish and Game (now California Department of Fish and Wildlife) provided comment on the 2008 and 2009 biological assessments of the project site. The agency raised issues regarding waters of the U.S. jurisdictional wetlands, and waters of the State; proposed buffers around elderberry shrubs to protect valley elderberry longhorn beetle, a threatened species; impacts during the bird nesting season; and oak woodlands. Subsequent biological assessments of the project site addressed these issues and it is those subsequent assessments that will be summarized in this section.

The following summary reflects the information contained in the assessments as it specifically relates to the checklist items above. The summary focuses on potentially significant impacts of project implementation. There is detailed information in the reports addressing site characteristics, soils conditions, potentially affected species, the regulatory environment, etc.

Mitigation measures for specific environmental impacts are based on the updated biological assessment prepared by Mitigation Properties dated October 2019.

B.4.a Candidate, Sensitive or Special Status Species

A significant impact would be one that has a substantial adverse effect on any candidate, sensitive or special status species.

a.1 Oak Woodland

General Plan policy 11-4a(8) requires that the County comply with Federal and State regulations to require measures to protect and avoid, to the extent feasible, sensitive native plant communities. Public Resources Code Section 21083.1 requires that the County determine whether the project will have a significant adverse effect on Oak Woodland. If the County determines that a significant effect may occur, the County shall require one or more of the following mitigation measures: 1) Conservation easements; 2) planting to replace dead or dying trees, (managed for a maximum of 7 years; fulfills a maximum of one-half of mitigation requirement), 3) restoration of former woodland habitat; or 4) other measures developed by the County. The General Plan EIR “Points of Significance” state that a loss of greater than 25% of each sensitive native plant community on a site is considered a potentially significant impact.

The proposed project site contains 17.87 acres of blue oak woodland habitat and individual oaks on the project site for a total of 20.7 acres of Blue Oak woodland habitat.

As mentioned above, the General Plan EIR “Points of Significance” establishes that a potentially significant impact to a sensitive native plant community would occur when there is a loss of greater than 25% of each sensitive native plant community on a site. The blue oak woodland area is considered to be a sensitive community. However, its overall quality is generally considered to be only moderate given the disturbances associated with the adjoining county roads, nearby residential land uses, on-site residual land uses, habitat fragmentation by ranch roads, and previous ranching activities. The biological study states that, “Each lot has at least one oak tree located within the parcel. The majority of the Blue oaks are scattered around the project site as copses, groupings, and individual trees but they are primarily in the south, northeast and northwest portions of the site. They also are along the eastern ephemeral drainage. There is sufficient area available on each lot to build the residential units with minimal impact to oaks. Future residential construction has the potential to affect the Blue Oak woodland habitat; however, it would not likely be to levels above the established 25% threshold. Per the Catheys Valley Community Plan’s Community Residential land use, lot coverage (maximum building intensity) would be limited to 10% per 2.5 acres of gross land area (page 65 Updated Biological Assessment).” Additionally, numerous oak trees will be located within the 25 feet from centerline open space setbacks for Owens Creek and the ephemeral drainages. This will reduce impacts to oak woodlands to a less than significant level.

Based on the information provided by the applicant’s biologist, the Mariposa County General Plan “Points of Significance”, and future development being subject to the Catheys Valley Community Plan, and the open space setbacks, *the project, including future residential development, will have a less than significant impact on the blue oak community located on the project site.*

a.2 Other Sensitive Plant Species, Noxious Weeds

The biological assessment states that the California Natural Diversity Data Base (CNDDDB) search identified five special status plant species as occurring within five miles of the project. The CNDDDB, U.S. Fish and Wildlife Service (USFWS), and the California Native Plant Society (CNPS) database searches identified an additional 34 special status species as occurring, or potentially occurring, within nine of the U.S. Geological Survey 7.5 minute quadrangles surrounding the project site. Most of these species are expected to be absent from the project site due to lack of suitable habitat. Marginal habitat for Beaked Clarkia, classified as CNPS List 1B.3,¹ and Madera Leptosiphon, classified as CNPS List 1B.2, was found on the project site. However, these species were not observed during the project site survey, which was conducted during the appropriate blooming period.

¹ All of the plants constituting California Rare Plant Rank 1A, 1B, and 2 meet the definitions of Section 1901, Chapter 10 (Native Plant Protection Act) or sections 2062 and 2087 (California Endangered Species Act) of the California Department of Fish and Game Code, and are eligible for state listing.

The project site contains 21 elderberry shrubs located within upland rock outcrops. This plant provides habitat for the federally listed (Threatened) valley elderberry longhorn beetle (VELB). Plants providing critical habitat for VELB are typically associated with riparian forests which occur along rivers and streams. Close proximity of these riparian areas to host plants is critical to the existence of suitable habitat. The report states that the occurrence potential on the project site of this species is low given the absence of riparian areas in close proximity to the plants on the site. Additionally, no VELB exit holes were found on the shrubs. No potential impacts to VELB are expected as a result of the project.

Project implementation is not anticipated to impact any special status plant species.

a.3 Potential Impacts to Special Status Wildlife Species:

The CNDDDB search identified three special status wildlife species as occurring within five miles of the project site. The CNDDDB and USFWS database searches listed a total of 35 special status wildlife species as occurring, or potentially occurring within the nine U.S. Geological Survey 7.5 minute quadrangles surrounding the project location. Of those, only 6 have some potential for occurring on the project site due to potential habitat that is required for their presence. These six include Oak titmouse, valley elderberry longhorn beetle, merlin, limestone salamander, Lewis's woodpecker, and Nuttall's woodpecker. The rest of them will not be impacted by the project as the project site does not contain the requisite habitat.

No special status wildlife species were observed on site. However, there is the potential for special status species to inhabit the site when the project is implemented. Implementation of the following measure will reduce potentially significant impacts on special status species to less than significant levels:

Mitigation Measure 4.a.1

Prior to commencement of construction or grading activities on the project site that is necessary to implement project conditions of approval relating to easement road construction, a qualified biologist shall conduct a pre-construction survey of the project site to determine if special-status species are located in those areas proposed for road improvement. The survey shall be conducted within 30 days of the initiation of construction or grading activities. Should special-status species be discovered during the survey, the project applicant shall comply with all protocols mandated by the qualified consultant in consultation with applicable resource agencies to protect these species. The Planning Department shall be provided a copy of the results of any survey conducted and evidence that any required mitigation measures have been implemented prior to initiation of construction or grading activities.

Monitoring for Mitigation Measure 4.a.1:

This mitigation measure will be monitored by the Mariposa County Planning Department through the project construction permitting process.

The project site is not located within a designated Natural Resource Area, and does not encompass any Key (rare) Vegetative Habitat, Key Wildlife Habitat or Significant Wildlife Habitat. It primarily supports the annual grassland and blue oak community, which is characteristic of the floristic central Sierra Nevada Foothills Subregion in which it is situated. Approximately 4% of the project site is disturbed due to the ranching activities or the existing roadway alignment. The entire site has been used extensively for cattle grazing.

B.4.b, c Riparian or Other Sensitive Natural Community/Wetlands

The project applicant has submitted a map showing approximate location of verified wetlands with 25' setbacks. The map also shows variable width building setbacks, potential 50' by 100' building sites for each lot, and

approximate location of proposed septic leach field site, per O.S.T. Systems “Soils Report Site Plan.” All residential development would avoid drainages/wetlands on the site.

a) Wetlands

A significant impact would be one that adversely affects riparian habitat or another sensitive natural community and/or a wetland area.² The project site contains wetland features. General Plan Policy 11-4a(8) requires that during environmental review, the County shall comply with measures to protect wetlands. The project site contains approximately 3.70 acres of wetlands, consisting of the following features: a 1.27 acre pond, 0.63 portion of Owens Creek, and approximately 1.80 acres of other wetland features.

The Seasonal Wetland corridor associated with the culvert directed runoff from Highway 140 and the up gradient spring, as well as with the ephemeral drainage system, is considered to be a sensitive community. USGS topographic maps corroborate the field level reconnaissance indicating that all of these features ultimately establish connectivity with Owens Creek. Consequently, their protection is important to the integrity of Owens Creek and other downstream wetland ecosystems.

The connectivity to Owens Creek establishes these resources as jurisdictional Waters of the U.S. The biological resources survey found that project implementation is not expected to impact any of the wetlands on the site, since existing roadways and culverts will be used to access the project site. According to the biological study prepared for the project site by ESR, Inc. (dated October 2019) any wetlands that are to be crossed outside of existing ranch roadways are proposed to use arched culvert systems that span the wetland area and therefore typically do not impact the wetland. The biological assessment states that the inlet to the open pond and the open pond will not be impacted. A road crossing using the arched culverts design will traverse over the pond outflow system and the wetlands will not be impacted, according to the assessment. However, there is the potential for future construction of roadways that may vary from that currently planned, which could impact these areas. Mitigation measures will be established to protect these resources. Additionally, the establishment of 25 foot setbacks from the centerline of the two ephemeral drainages (identified in the biological study prepared by ESR, Inc. as the “eastern drainage wetland” and the “western drainage wetland” and the edge of wetland features associated with the open water pond) and Owens Creek, which will preclude future construction within the setbacks, unless under prescribed conditions as outlined in Mitigation Measure 4.b.2 below further protecting wetland areas.

b) Ephemeral Drainages and Open Water pond

The assessment identifies wetland features within the eastern and western drainages. The eastern drainage contains 0.28 acres of wetland, the western, 0.84 acres. The biological assessment of the project site prepared by ESR, Inc. contains the following language pertaining to potential impacts to the wetland features associated with the Open Water pond and ephemeral drainages on the project site.

Compliance with Section 404 of the Clean Water Act

Given the connectivity of the wetland features on the project site with large regional waterways, they are considered to fall within the jurisdiction of the Army Corps of Engineers (ACOE) under Section 404 of the Clean Water Act. As such, the project proponent must obtain the appropriate permit from the ACOE prior to commencement of construction activities should the construction designs require impacting wetland features. Based on the nature and area of the impact proposed at the project site, the proponent qualifies for a National Permit 14. This is a pre-approved permit for linear transportation projects the meet the following conditions:

² See discussion of Oak Woodland, above. Sub-sections b. and c. are discussed together because of the resources on the project site represent both a sensitive riparian habitat and jurisdictional Waters under law. Proposed mitigation measures reference the c. subsection because the measures address specific potential impacts to jurisdictional Waters.

Activities required for the construction, expansion, modification, or improvement of linear transportation projects (e.g. roads, highways, railways, trails, airport runways, and taxiways) in Waters of the United States. For linear transportation projects in non-tidal waters, the discharge cannot cause the loss of greater than ½-acre of waters of the United States...Any stream channel modification, including bank stabilization, is limited to the minimum necessary to construction or protect the linear transportation project...The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if the loss of waters of the United states exceeds 1/10 acre.

The biological assessment concludes that the anticipated wetland impacts at the project site are therefore allowed under Nationwide Permit 14, given their nature (i.e. linear access roads) and size (i.e. less than ½-acre). Furthermore, no formal pre-construction notification to the ACOE is necessary since the area of wetland impact does not exceed 1/10 acre.

The biological study of the project site (updated October 2019) states that project implementation is not expected to impact any of the wetlands on the project site since existing roadways and culverts will be preferentially utilized to access the property. If wetlands are to be crossed by the roadways outside of the existing ranch roadways, it is proposed to use arched culvert systems that span the wetland areas which typically do not impact the wetland since the foundations are placed in upland habitat outside the wetland feature footprint.

However, any road construction work throughout the project site that varies from that which is proposed by the tentative subdivision map has the potential to impact Waters of the United States to the degree that Section 404 permitting may be required. In this event, compliance with Section 404 of the Clean Water Act as mandated by the following mitigation measure prior to commencing any road work necessary per required conditions of approval, *will reduce impacts to less than significant levels.*

Mitigation Measure 4.b.1

Prior to commencement of construction of any easement road improvements, road construction, or other easement road building activities required as a condition of approval for the project, which has the potential to impact the wetland features associated with the Open Water pond and the ephemeral drainages, the project applicant shall obtain any required permitting pursuant to Section 404 of the Clean Water Act from the United States Army Corps of Engineers and, if such permitting is required, a Section 401 Water Quality Certification from the Regional Water Quality Control Board – Central Valley Region. The project proponent shall provide a copy of the permit and certification to the Mariposa County Public Works Department prior to the onsite consultation meeting required as a condition of approval for the project. If such permitting is required all provisions of the Section 404 permit and Section 401 water quality certification shall be completed prior to the filing of the final map. The applicant shall submit to the County Surveyor evidence that all permit and certification requirements have been met to the satisfaction of applicable agencies.

Monitoring for Mitigation Measure 4.b.1: This mitigation measure will be monitored by the Mariposa County Surveyor and the Mariposa County Planning Department through the project construction process.

The tentative map shows that all of the lots have direct access to easements roads within the project without having to cross drainage/wetland areas to reach building sites. Areas to access lots 21 and 12 are narrow, but it appears they can accessed without crossing drainage/wetland features. As noted above, the tentative map shows that the lots can be developed with residences without impacting drainages/wetlands Impacts from residential

development on lots and subdivision road construction are potentially significant, unless mitigated. Implementation of the following mitigation measure will reduce potentially significant impacts to less than significant levels:

Mitigation Measure 4.b.2

The final map shall show the wetland features within Owens Creek, the eastern drainage, western drainage, and pond inflow and outflow. An open space setback of twenty-five (25) feet from the edge of the seasonal wetlands and pond, and twenty-five (25) feet from the centerline of Owens Creek and the eastern and western ephemeral drainages located on the project site as shown on the tentative map, which is designed to protect any special status wildlife, wetland features and species, oak woodland habitat and any sensitive habitat that may potentially occur, shall be shown on the final map. The setback area shall exclude the proposed road crossings. A statement shall be recorded in Official Records concurrently with the final map and referenced on the final map or shall be included on an additional map sheet which indicates its relationship to the final map. The statement shall be as follows:

"This notice is not intended to affect record title interest. There are open space setbacks on Lots 3, 5, 6, 7, 8, 12, 14 15, 16, 19, 20, 21, 24, and 27 as shown on the Final Map for JCS Capital Resources filed in the Book of Maps ____ at Page ____, Mariposa County Records. The setback is twenty-five (25) feet from the edge of the seasonal wetlands and pond, and 25 feet from the centerline of Owens Creek and from the centerline of the ephemeral drainages. No structure or improvement shall be constructed within the open space setback except as provided below. A well or wells, water pipes, underground and above ground power lines, fencing and other similar structures or improvements may be constructed within the open space setback subject to approval by the Planning Director. Consultation with a qualified biological consultant, whose services shall be paid for by the property owner, may be required by the Planning Director in order to make a determination. No removal of vegetation (except noxious weeds identified by the United States Department of Agriculture, the California Department of Food and Agriculture, and/or the Mariposa County Agricultural Commissioner) shall be allowed within the open space setback, except as determined necessary by CAL FIRE, and except as needed to implement the uses described in this and the following paragraph. No grading shall be allowed within the setback, except as needed to implement the uses described in this and the following paragraph.

Prior to any grading or construction activities occurring within this setback area, the owner of said lots shall contact the California Department of Fish and Wildlife to determine if a State Fish and Game Code Section 1602 Streambed Alteration Notification is required. If required, the owner shall submit the notification and comply with all applicable requirements of Section 1600 et seq. of the State Fish and Game Code.

Depending upon the location and nature of the construction, grading, or disturbance within the setback area, the parcel owner may be required to obtain from the Army Corps of Engineers permitting under Section 404 of the Clean Water Act. This agency shall be contacted prior to initiation of any disturbance to the setback area. If a Section 404 permit is required, a Section 401 Water Quality Certification from the State Regional Water Quality Control Board shall also be required".

Monitoring for Mitigation Measure 4.b.2: This mitigation measure will be monitored by the Mariposa County Surveyor and the Mariposa County Planning Department through the final map filing process.

B.4.d. Migration/Native Wildlife Nursery Sites

A significant impact would be one that interferes with the movement of native resident or migratory fish or wildlife species, migration corridors, or one which impedes the use of native wildlife nursery sites. The

biological assessment (ESR/Mitigation Properties Updated October 2019) found that the property does not include any wildlife movement corridors that would be considered significant on a regional basis. Wildlife movements are already impacted by State Highway 140. The configuration of the lots and their size will not adversely hamper wildlife movement on a regional basis. Additionally, the California Essential Habitat Connectivity Project (CEHCP) was used to review wildlife movement potential across the project site. The project site falls within the lower ratings between urban and native on the least cost model. Therefore, the project will have a less than significant impact on the movement of native resident or migratory fish or wildlife species or migration corridors.

Blue oak communities on the project site could provide potential nesting habitat for birds of prey; however, no active nests were observed during site surveys and there were no indications of past breeding attempts. Disturbance that causes nest abandonment or loss of reproductive effort is considered a violation of federal law and would constitute a potentially significant effect. Raptors likely utilize the project site for foraging, as noted during the survey. Therefore, future nesting attempts by raptors are certainly possible. If the project site becomes occupied by breeding birds of prey in the period immediately prior to project implementation, construction activities or removal of trees containing nests during the nesting period may destroy fertile eggs or nestlings or lead to nest abandonment. Project impacts to nesting raptors are potentially significant. The following mitigation measure is proposed to reduce this potentially significant to a less than significant level.

Mitigation Measure 4.d.1

Prior to commencement of construction or grading activities on the project site that is necessary to implement project conditions of approval relating to easement road construction, between February 1st and August 3, a qualified biologist shall conduct a pre-construction survey of the project site to determine if nesting raptors are extant in those areas proposed for construction or grading activities. The survey shall be conducted within 30 days of the initiation of construction or grading activities. Should nesting raptors be discovered during the survey, the project applicant shall comply with all protocols mandated by the qualified consultant in consultation with applicable resource agencies to protect nesting raptors. The Planning Department shall be provided a copy of the results of any survey conducted and evidence that any required mitigation measures have been implemented prior to initiation of construction or grading activities.

Monitoring for Mitigation Measure 4.d.1:

This mitigation measure will be monitored by the Mariposa County Planning Department through the project construction permitting process.

It is unlikely that construction to implement the project will occur within the CalTrans right-of-way (Highway 140) since the project will take access from Hornitos Road off of Highway 140, and Guenthart Way, which will be used for emergency project egress to Highway 140, has been constructed to CalTrans standards. Any construction that may occur within the Highway 140 right-of-way to implement the project will be subject to all requirements of a CalTrans encroachment permit. Any permit may require additional biological assessments for the property within the right-of-way to be disturbed.

B.4.e Ordinances and Policies Protecting Biological Resources

A significant impact would be one that conflicts with local ordinances and policies protecting local biological resources. The concern with this project would be activity that has the potential to impact oak trees and woodlands, which are considered during the CEQA process as prescribed by Senate Bill 1334, titled 'Oak Woodlands Conservation: Environmental Quality'. The biological survey prepared for the project site included an analysis of potential impacts on oak trees.

The certified Environmental Impact Report (EIR) for the Mariposa County General Plan in 2006 evaluated impacts resulting from implementation of the General Plan, including residential subdivision development. The EIR established evaluation criteria with “points of significance” for biological resources (Table 4.5-1; Section 4.5.4 Impact BR-5). Relative to project impacts to sensitive native plant communities, which would include oak woodlands, the EIR established the point of significance at loss of greater than 25 percent of each sensitive native plant community on site. Project impacts resulting from a loss of sensitive native plant communities on-site of less than 25 percent (measured in acres) are thus, less than significant. See discussion above regarding oak woodlands.

Therefore, based upon the site inspection, the fact that road improvements will impact only 9 oaks, the existing development, the biologist report, and the certified General Plan Environmental Impact Report, it can be found that the project will have less than significant impact on ordinances and policies protecting biological resources.

B.4.f Conservation Plans

A significant impact would be one that conflicts with any conservation plan. The biological assessment states that the project site is not located within a designated Natural Resource Area and does not encompass any Key (rare) Vegetative Habitat, Key Wildlife Habitat, or Significant Wildlife Habitat. *The project will not impact an adopted conservation plan.*

B.5 CULTURAL RESOURCES

5. CULTURAL RESOURCES Would the project:	Potentially significant impact	Less than significant with mitigation incorporation	Less than significant impact	No impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?		√		
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?		√		
c) Disturb any human remains, including those interred outside of dedicated cemeteries?		√		

B.5.a, bHistoric/Archaeological Resources

A significant impact would be one that would cause a substantial adverse change in the significance of an historic, archaeological, unique paleontological resource; unique geologic feature; or that would disturb human remains. Native American tribes on the Mariposa County Native American contact list maintained by the Native American Heritage Commission were provided the opportunity to comment on the project. In a response dated May 26, 2009, Les James from the Southern Sierra Miwuk Nation commented that he did not know of any archaeological sites in the project area. In a response dated June 15, 2009 Mary Motola from the Picayune Rancheria of Chukchansi Indians stated that her tribe was unaware of any traditionally religious or culturally significant Native American sites located in the project area. She further stated that her tribe would like to be informed of potential cultural disturbances and inadvertent discoveries. A cultural resource study was prepared for the project site in January 2002³ when the site was proposed for a smaller land division. The study found three prehistoric bedrock mortar or milling (BRM) stations, consisting of mostly shallow conical holes used by Native Americans to grind

³ A Cultural Resources Study of Property in Catheys Valley, Mariposa County, California (113 acres, USGS Catheys Valley 7.5'; Positive Results – 3 Archaeological Features; 3 Historic Features); Varner Associates, January 2002.

acorns and other food stuffs. Historic resources on the property include 1) a stone wall, supposedly built by Chinese laborers or miners in the 19th Century and which continues in two directions on adjacent property, 2) a fence line with stones beneath, and 3) a mine shaft, around which there are “diggings” or shallow pits dug into areas with quartz deposits that may have contained gold.

Management Recommendations:
The study stated the following:

“Although no historical or archaeological evidence had been previously recorded for the property, during the field survey cultural resources were discovered that should be protected during subdivision and development. Also, it is possible that additional archaeological materials lie beneath the ground surface, where they might be uncovered during future ground disturbance or construction. If that occurs, Mariposa County authorities and/or a qualified archaeologist should be notified immediately.”

Subsequent to this study, the application for the present project was submitted and Varner Associates was asked to review the new map to determine if there are any new or increased negative effects on the cultural resources on the project. In a June 8, 2009 letter to the project applicant, Dudley Varner of Varner Associates stated that, when practical, it is appropriate to protect bedrock milling stations with an “historic easement” or “protection setback” of 10 feet around their perimeters. The historic rock section has been appropriately designated as part of the boundary between lots 22 and 23 (and forms a small portion of the boundary between lots 23 and 24), as shown on the tentative subdivision map. It has an existing narrow opening near the southwest corner of the 115-acre parcel (on proposed lot 23). It is reasonable to expand that existing opening up to 20 feet in width to accommodate private vehicles as well as wider vehicles needed for construction, fire protection, etc. The terminations of the rock wall at the sides of the opening are to be properly stabilized to maintain the integrity of the remaining wall. The remainder of the wall shall be protected with an easement or setback of perhaps 5 feet. No management recommendations were made for the fence line with stones beneath and the mine shaft. Mr. Varner’s June 8, 2009 letter states that the mine shaft has been filled in. With respect to the fence line with stones beneath, Mr. Varner refers to a letter to Mariposa Planning dated May 13, 2002, in which he stated that this feature has no significant historical value and no further attention is required.

The impacts of project implementation on BRMs on the project site are considered to be potentially significant and mitigation is presented below to reduce these impacts to less than significant levels.

Mitigation Measure 5.a.1

Open space setbacks of 10 feet from the perimeter of bedrock milling stations as identified in the Cultural Resource Survey prepared for the project site dated January 2002 shall be established and shown on the final map for the project. A document shall be recorded and referenced on the final map stating the following:

“No structure shall be constructed within the open space setbacks as shown on the final map filed in Book of Maps at Page____, Mariposa County Records. No portions of a sewage disposal system shall be constructed within the open space setbacks. No grading shall be allowed within the setback. The setbacks shall be in perpetuity and shall restrict the use of the land within the setbacks.”

Monitoring for Mitigation Measure 5.a.1: This measure will be monitored by the Mariposa County Surveyor and the Mariposa County Planning Department through the final map filing process.

A portion of the rock wall forms the boundary between lots 22 and 23. A portion of the wall is located solely on Lot 23. Although the required 25-foot structure setback from property lines will ensure that structures will not be located in close proximity to the rock wall on Lots 22 and 23, other types of residential development such as

driveways, wells, and structures not requiring a building permit are not subject to setback requirements could be located in proximity to the rock wall. Property line fencing could also impact the rock wall. This means that, in addition to potentially impacting the wall as it traverses Lot 23, there is a potential for site development activities to impact the wall on Lot 22 as well. *The potential for project implementation to impact the rock wall is considered to be significant requiring mitigation (shown below) to reduce this potentially significant impact to a less than significant level.*

Mitigation Measure 5.a.2

A historic preservation setback running the full length of and for five (5) feet on both sides of the rock wall on the project site shall be shown on the final map. The Mariposa County Planning Director shall approve the location of the setback prior to the filing of the final map. A statement shall be recorded in Official Records concurrently with the final map and shall be referenced on the final map as follows:

“The historic rock wall located on Lots 22 and 23, as shown on the final map filed in Book of Maps at Page _____, Mariposa County Records, is surrounded by an historic preservation setback of five (5) on both sides of the wall and the wall shall not be altered, disturbed, removed or destroyed, with the following exception, without the review and approval of the Mariposa County Board of Supervisors.

The existing opening in the wall on Lot 23 shall be allowed to be expanded up to 20 feet in width to allow for access to the lot providing the terminations of the rock wall at either side of the opening are properly stabilized to maintain the integrity of the remaining wall.”

(Should lots be merged and/or the subdivision map modified from the current configuration, the mitigation language relating to lot numbers shall be changed to reflect the modification.)

Monitoring for Mitigation Measure 5.a.2: This measure will be monitored by the Mariposa County Surveyor and the Mariposa County Planning Department through the final map filing process.

A significant impact would be one that would cause a substantial adverse change in the significance of an archaeological resource. The study of the site found no surface archeological resources but states that if archaeological resources are encountered during excavation during construction, consultation with an archaeologist should occur.

For projects where construction will occur, a mitigation measure addressing cultural resource finds during that construction is applied. The mitigation measure addresses other cultural resources as well as human remains. (Please see B.5.c below for a more detailed discussion of this issue.)

B.5. c Human Remains

A mitigation measure consistent with the California Native American Historical, Cultural and Sacred Sites Act will reduce any potential impact to cultural resources and remains found during project implementation to a less than significant level. This mitigation measure is as stated below.

Mitigation Measure 5.c.1:

In the event human remains, artifacts, or potentially significant cultural resources are discovered during ground disturbance on the project site, a Native American monitor shall be on-site for the duration of ground disturbance. During road grading, soil testing and/or construction, or any activity that involves ground disturbance necessary to implement project conditions of approval, if any signs of prehistoric, historic, archaeological, paleontological resources are evident, all work activity within fifty (50) feet of the find shall stop and the Mariposa County Planning Department shall be notified immediately. No work shall be done within fifty (50) feet of the find until Planning has identified

appropriate measures to protect the find and those measures have been implemented by the applicant. Protection measures for the site may include, but not be limited to, requiring the applicant to hire a qualified archaeologist who shall conduct necessary inspections and research, and who may supervise all further ground disturbance activities and make any such recommendations as necessary to ensure compliance with applicable regulations. In addition to the Planning Department, the Mariposa County Coroner and the Native American Heritage Commission shall be notified should human remains be discovered. If the remains are determined by the Native American Heritage Commission to be Native American, the NAHC guidelines shall be adhered to in treatment and disposition of the remains. Representatives of the Most Likely Descendant shall be requested to be on-site during disturbance and/or removal of human remains.

Monitoring for Mitigation Measure 5.c.1: The applicant or his on-site designee shall be responsible for ensuring compliance with this mitigation and the Mariposa County Planning Department will monitor the measure through the project construction permitting process.

B.6 ENERGY

6. ENERGY Would the project:	Potentially significant impact	Less than significant with mitigation incorporation	Less than significant impact	No impact
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?			√	
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?			√	

B.6. a, b Energy

The proposed project consists of the construction and operation of a major subdivision project creating 27 lots. The project remains within the numbers anticipated by the General Plan and the Catheys Valley Community Plan and is in compliance with the zoning and land use designation applied to the property. Overall, the construction and operation of this proposed project would not require the creation of a new source of energy.

During construction there would be a temporary consumption of energy resources required for the movement of equipment and materials; however, the duration is limited due to the phasing of construction, and the limited area of construction. Compliance with local, State, and federal regulations would reduce short-term energy demand during the project's construction to the extent feasible, and project construction would not result in a wasteful or inefficient use of energy.

There are no unusual project characteristics or processes involved in this project that would require the use of equipment that would be more energy intensive than is used for comparable activities, or the use of equipment that would not conform to current emissions standards and related fuel efficiencies. Furthermore, through compliance with applicable requirements and/or regulations, through the building permit process, the project would be consistent with State requirements, and would not consume energy resources in a wasteful or inefficient manner.

State and local agencies regulate the use and consumption of energy through various methods and programs. As a result of the passage of Assembly Bill 32 (AB 32) which seeks to reduce the effects of Greenhouse Gas (GHG) Emissions, a majority of the state regulations are intended to reduce energy use and GHG emissions. These include, among others, California Code of Regulations Title 24, Part 6–Energy Efficiency Standards, and the California Code of Regulations Title 24, Part 11– California Green Building Standards (CALGreen). In Mariposa County, the County’s Building Department enforces the applicable requirements of the Energy Efficiency Standards and Green Building Standards in Title 24. Accordingly, the proposed project would not conflict with or obstruct State or local plans for renewable energy or energy efficiency.

The project will have a less than significant impact.

B.7 GEOLOGY AND SOILS

7. GEOLOGY AND SOILS -- Would the project:	Potentially significant impact	Less than significant with mitigation incorporation	Less than significant impact	No impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			√	
ii) Strong seismic ground shaking?			√	
iii) Seismic-related ground failure, including liquefaction?			√	
iv) Landslides?			√	
b) Result in substantial soil erosion or the loss of topsoil?			√	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			√	
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?			√	
e) Have soils incapable of adequately				√

supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			√	

B.7.a Faults, Ground Shaking, Ground Failure and Landslides

A significant impact would be one that exposes people or structures to loss, injury or death. A Preliminary Soil Investigation was prepared for the project site by See's Consulting and Testing. The report of that investigation is dated February 6, 2009 and is on file at the Mariposa County Planning Department, 5100 Bullion Street, Mariposa, CA. The following summarizes that report.

The subsurface soils encountered generally consist of silty sand, sandy silt, sandy clay, decomposed granite, and weathered granitic rock. Groundwater was not encountered during the field exploration. It is possible that shallow perched groundwater and localized seepage may be found at the interface of bedrock and the overlying soil which are usually intermittent and seasonal.

General: Based on field and laboratory test data and engineering analyses, the site is suitable for the proposed construction provided the site is graded in accordance with 2007 California Code of Regulations Title 24, Parts 1-12 standards and that the report's recommendations are incorporated into the project design and are followed through construction. It is important to note that future construction will be subject to the 2019 California Building Code or later depending on when construction occurs and the regulations in effect at the time. Due to the presence of loose silty sand, the upper level subgrade soil should be recompacted in order to reduce potential settlements. Removal of expansive sandy clay soils, placement of one foot of non-expansive fill, or pad subgrade moisture conditioning may be required in the proposed building areas when identified by site specific study of each lot. There is no liquefaction potential. Since there is no potential for liquefaction, lateral spreading has no potential to occur at the site. The site is not near an active known fault, and surface rupture does not apply. The site has gentle to moderate slopes. The potential of slope instability is low. Conventional spread footings bearing in the properly compacted or undisturbed dense site soils may be suitable for supporting the structure.

The report provides general site grading and preliminary foundation design recommendations for project planning and preliminary design purposes. The report states that review of grading plans for each lot is required and a site specific soil investigation should be conducted for each proposed building. The report provides recommendations for site preparation; preliminary foundation recommendations; recommended values for lateral earth pressure and frictional resistance; standards for interior concrete slab-on-grade; preliminary pavement design; and an analysis of soil-cement reactivity. A project condition of approval will address foundation recommendations.

Earthquake Faults: Alquist-Priolo Earthquake Fault Zone maps indicate that Mariposa County does not contain a Special Study Zone and a map has not been created for Mariposa. The majority of the County falls within the lowest earthquake hazard zone of 10-20% probability. Two fault zones exist within Mariposa and comprise the Foothill Fault System, including the Bear Mountain Zone and the Melones Zone located on the western side of the County. The Foothill Fault System is considered active. Additionally, three other faults known to be active near Mariposa include the San Andreas Fault to the west, the Owens Valley Fault to the east and the White Wolf fault to the south. According to the Five County Study, the three faults may cause small periodic local earthquakes.

No earthquake with a magnitude above 5 has occurred in Mariposa County since 1800. When earthquakes do occur in Mariposa County, records show they occur at around magnitude 2.7 or less. Section 8.2.02 – Physical Geology, in Volume III of the Mariposa County General Plan states that the probability of earthquake occurrence on the Foothills Fault System is rated as low.

Thus, the project will have a less than significant impact.

Ground Shaking: All construction in California is required to comply with all California Building Code standards with respect to the seismic design category applicable to a specific area.

Thus, the project will have a less than significant impact.

Ground Failure: Liquefaction hazard areas have not been identified in Mariposa County. The State’s Seismic Hazard Mapping Program has not yet mapped the County of Mariposa to determine the probability of various types of ground failure likely to occur as a result of earthquake activity. Uniformly applied California Building Code standards require the preparation of a “soils investigation” report for all new building construction. These reports are required to provide complete evaluations of the foundation conditions of the site including design criteria related to the nature and extent of foundations materials, groundwater conditions, liquefaction potential, settlement potential and slope stability. The soils report must be prepared by a California-registered engineer. The building permit process will ensure that this report is properly prepared and reviewed.

Thus, the project will have a less than significant impact.

Landslides: The State’s Seismic Hazard Mapping Program has not yet mapped Mariposa County to determine the probability of landslide occurrence as a result of earthquake activity. The Five County Seismic Safety Study performed a generalized landslide risk appraisal and found that there was minimal risk of landslides caused by earthquakes in areas of low relief and moderate to high risk found in the remaining mountainous areas of the County.

Factors that may pertain directly to the subject project site include: rock types susceptible to sliding, steep slopes, heavy rainfall during winter months, and slopes that have been modified by development activity. Landslides generally occur on slopes of 15 percent or greater. The project site’s topography includes gentle to moderate slopes. A grading plan in accordance with 2019 California Code of Regulations Title 24, Parts 1-12 standards will be required for grading for future residential development.

Thus, the project will have a less than significant impact.

B.7.b Soil Erosion

A significant impact would be one that results in substantial soil erosion or loss of topsoil. The preparation of the site for construction will entail grading for roads, structures, and driveways.

The Mariposa County Improvement Standards will apply to any road work done as part of the project proposal. These adopted policies contain provisions for drainage plans, soil compaction and sediment control during construction, and permanent re-vegetation following construction. The County Engineer typically has the authority to require engineered drainage plans to address any increased water run-off from proposed roads. Onsite inspections are conducted to ensure compliance with these standards.

The 2019 California Code of Regulations Title 24, Parts 1-12 standards, also contain drainage plan requirements to ensure that any changes to existing drainages are done in such a way as to ensure that the function and capacity of the affected drainage course is maintained following construction. Soil compaction standards, provisions for

sediment control during construction, and re-vegetation following construction are contained in this ordinance. The 2019 California Code of Regulations Title 24, Parts 1-12 standards will apply to site grading work done for future residential development. This code contains requirements for soil compaction and sediment control during construction, and permanent re-vegetation following construction. Onsite inspections by the Building Department are conducted to ensure compliance with these requirements.

In addition, if more than one acre of land will be disturbed, the project will be subject to a National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges of Storm Water Associated with Construction Activity from the Regional Water Quality Control Board. This permitting is part of the existing regulatory environment and is addressed in the standard conditions of approval for projects in Mariposa County.

These adopted policies and ordinance requirements, the required permits and onsite inspections, will ensure *a less than significant impact* from future grading activities associated with implementation of the development of the site and access roads.

B.7.c Unstable Geology/Soil

A significant impact would be one where soil becomes unstable as a result of the project. These standards are implemented through a permit process, which includes onsite inspections by county staff. The Preliminary Soils Investigation for the project stated that the potential of slope instability is low. Conventional spread footings bearing in the properly compacted or undisturbed dense site soils may be suitable for supporting the structure. As noted above, a soils investigation report is required to be provided prior to construction on a lot and it will contain final recommendations for construction on the site. The standards of the Mariposa County Road Improvement and Circulation Policy, the Mariposa County Improvement Standards, and 2019 California Code of Regulations Title 24, Parts 1-12 standards will ensure *a less than significant impact* on the site and adjacent parcels, as a result of grading activities associated with completing conditions of project approval and grading activities associated with future residential development.

The project will have a less than significant impact on the issue of unstable soil.

B.7.d Expansive Soils

A significant impact would occur if the project is placed on expansive soils and creates substantial risk to life or property. Construction on the project parcel will require compliance with the 2019 California Code of Regulations Title 24, Parts 1-12 standards for the construction of foundations. The California Building Code standards are implemented through the building permit process. Onsite inspections by building inspectors are conducted to ensure construction is in compliance with these standards. Based upon the existing permit requirements in place, the implementation of 2019 California Code of Regulations Title 24, Parts 1-12, and the onsite inspections, *the project will have a less than significant impact.*

B.7.e Septic Systems

A significant impact would occur if septic tanks or systems are utilized for the project and the soil is unable to support their use. The residential lots within this new subdivision will use individual, on-site sewage disposal systems as allowed by section 5.3.02.E(3) of the Mariposa County General Plan.

The Mariposa County Environmental Health Unit has reviewed the Soils Report for the project prepared by O.S.T. System Designs, Inc. (referenced above) and additional information submitted regarding the proposed water and sewage disposal systems. Septic envelopes have been identified and approved for each lot in the subdivision. The septic envelopes contain adequate area for the construction of septic systems, as well as an adequate replacement area should the need arise. Percolation tests and soils analysis show that on-site sewage disposal systems can be placed on all of the lots. Eight of the lots will require special design engineered septic

systems due to either shallow soils or slow percolation rates. Uniformly applied standards contained in County Policy 03-01 for the provision of septic systems *will reduce potential impacts to less than significant levels.*

B.7.f Paleontological or Unique Geologic Features

A significant impact would occur if the project would directly or indirectly destroy a unique paleontological resource or site or unique geological feature. The project site is already developed with two residential structures (one in use and a dilapidated mobile home) and construction equipment and material. There are no known unique geologic features located on the project site. The cultural resources survey prepared for the site did not identify any paleontological resource or site, nor is one known to occur on the project site. Mitigation measure 5.c.1 requires that work be stopped and that the Mariposa County Planning Department be contacted if a resource is discovered during earth work. *With implementation of this mitigation measure, the project will have a less than significant impact.*

B.8 GREENHOUSE GAS EMISSIONS

8. GREENHOUSE GAS EMISSIONS Would the project:	Potentially significant impact	Less than significant with mitigation incorporation	Less than significant impact	No impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			√	
b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?			√	

B.8.a - b Impacts: Greenhouse Gas (GHG) Emissions

A significant impact would occur if the project generated greenhouse gas emissions that may have a significant impact on the environment or conflict with a plan adopted to reduce the emissions of greenhouse gases.

In summarizing the analysis of potential impacts to greenhouse gas emissions from implementation of the General Plan the EIR certified for the General Plan concluded the following on page 2-99:

Impact AQ-4. *Build-out of the proposed General Plan may result in changes in air movements, moisture, temperature or climate. However, no projects of the magnitude that would cause such impacts are anticipated in the County. Major projects that would produce large amounts of greenhouse gases are likewise not anticipated. In the event that such projects are proposed, the projects would be subject to national and international regulations, and thus would result in impacts that are at a level of less than significant.*

Subsequent to the 2006 certification of the General Plan EIR, the State of California enacted statute AB 32 which established the state's goals of (a) achieving by 2020 a statewide greenhouse gas emissions (GHG) limit no higher than total 1990 statewide GHG emissions, and (b) continuing after 2020 to achieve even further reductions in GHG emissions.

SB 97 required that the Natural Resources Agency certify and adopt amended CEQA Guidelines for the mitigation of greenhouse gas emissions or the effects of greenhouse gas emissions by January 1, 2010 pursuant to

Public Resources Code section 21083.05. The agency adopted the amendments on December 30, 2009 and transmitted the amendments to the Office of Administrative Law (OAL) for review and filing with the Secretary of State. OAL filed the amendments for inclusion into the California Code of Regulations on February 16, 2010. The amendments became effective on March 18, 2010.

To assist in evaluating whether a project may generate a quantity of GHG emissions that could have a significant effect on the environment, thresholds of significance have been developed by some State agencies. Some of these thresholds establish a level at which a project would necessitate additional analysis or whether the project is not considered to create a significant impact. Neither the County of Mariposa, the Mountain Counties Air Basin, nor the Mariposa County Air Pollution Control District have adopted thresholds of significance for GHG emissions. As a result, the 2017 Bay Area Air Quality Management District (BAAQMD) CEQA Air Quality Guidelines are used to determine the significance of the project. The BAAQMD guidelines establish three (3) ways to measure whether a project will have a significant impact or not:

- Complying with a qualified GHG reduction strategy
- Annual emissions of less than 1,100 metric tons per year (MT/yr) of CO₂e
- Service person threshold of 4.6 MT CO₂e/SP/yr

For the purposes of this project, the use of the 1,100 MT/yr of CO₂e is appropriate since Mariposa County does not have a qualified GHG Reduction Strategy and the project is not a high-density project where the service person threshold is more appropriate. Additionally, BAAQMD has developed criteria to screen whether a project even needs to perform a detailed GHG emissions analysis. For single family projects, no GHG emissions analysis is required if there are less than 56 units. This project could only develop up to a maximum of 54 units, if all lots were developed with two single family dwelling units. It is unlikely that each of the 27 lots will build two homes. This means it is under the level needed for additional analysis. Even though the project is below the BAAQMD levels that would require further analysis, the California Emissions Estimator Model (CalEEMod) version 2016.3.2 was used to calculate potential emissions. Based on using the default assumptions in CalEEMod, without any additional mitigation, the project is estimated to produce a maximum of 224 MT/yr of CO₂e during the estimated construction period. Once the project is complete and operational, the permanent/on-going project is estimated to produce approximately 495 MT/yr of CO₂e. These numbers are well below the thresholds of significance identified in the BAAQMD CEQA Air Quality Guidelines of 1,100 MT/yr CO₂e. It should be noted that the construction period is only temporary and there are no established GHG emissions thresholds for construction activity.

The project will not be a significant contributor to greenhouse gas emissions. The project, however, will contribute cumulatively to the generation of greenhouse gas emissions from vehicle emissions in the county and region. *This impact, however, is considered to be less than significant in light of overall greenhouse gas emissions, thus the proposed project will not result in significant air quality impacts, including GHG emissions.*

B.9 HAZARDS AND HAZARDOUS MATERIALS

9. HAZARDS AND HAZARDOUS MATERIALS Would the project:	Potentially significant impact	Less than significant with mitigation incorporation	Less than significant impact	No impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			√	
b) Create a significant hazard to the public			√	

or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				√
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				√
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				√
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				√
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?			√	

B.9.a, b Transport of Hazardous Materials/Upset and Accident

A significant impact would be one that produces a substantial risk to the public from routine transportation, use, or disposal of hazardous material, or from reasonably foreseeable accidental release into the environment of such material through upset or accident. This residential project will not result in the handling, transport or use of hazardous materials except for those associated with normal residential development. Residential uses typically do not use or store large amounts of hazardous materials. The project would not involve the use, storage, transportation or disposal of hazardous materials other than what is typically used for cleaning of households, maintenance and landscaping. Construction activity may include temporary storage and use of potentially hazardous material such as fuel and oil. Any spills would be subject to local, state, and federal regulations, which minimize the risk associated with construction activities.

Due to these factors, *the project will have a less than significant impact on these issues.*

B.9.c School Proximity

A significant impact would be one that emits hazardous emissions or results in the handling of hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

There are no schools located within a quarter-mile of the project site, but Sierra Hill Charter School is located within ½ mile of the project. The project proposes residential lots and residential development does not have the potential to emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste.

Thus, the project will have no impact.

B.9.d Exposure from Existing Contaminated Sites

A significant impact would be one that is located on a listed contamination site and exposes the public or the environment to the hazard. The project site is not listed on the Mariposa County Environmental Health Unit's list of hazardous sites.

Thus, there will be no impact.

B.9.e Hazards Near Airports and Airstrips

A significant impact would be one that results in a safety hazard for people residing or working in the vicinity of a public airport or private airstrip. The project site is not within two miles of a public airport, and no private airstrips are known to exist within the area of the project site.

Thus, there will be no impact.

B.9.f Emergency Response Plans

A significant impact would be one that impairs the implementation of or interferes with an emergency response or evacuation plan. The construction of single family residences on the project parcels will not interfere with any emergency response or evacuation plan. The development of the parcels with residences will not generate an amount of traffic that would affect an emergency response plan. Roads within the subdivision will be required to be constructed to Mariposa County Road Improvement and Circulation Policy standards and the County's Improvement Standards thus ensuring that roads will be sufficient to adequately serve the development in the event of an emergency.

Thus, there will be no impact.

B.9.g Risk of Wildland Fires

A significant impact would be one that exposes people or structures to a significant risk of wildland fires. The State of California adopted the State Fire Safe Regulations for the purpose of establishing minimum wildfire protection standards in conjunction with building, construction and development in the State Responsibility Areas (SRA). These regulations, known as SRA Firesafe Regulations provide for basic emergency access and perimeter wildfire protection measures, including clearance around structures. Future residential building permits for the project parcels also necessitate review by CAL FIRE and onsite inspection prior to permit completion. Finally, future residential development is subject to continued inspection by CAL FIRE for maintenance of 100' clearance around structures (LE 100). These inspections may be done yearly.

The Mariposa County Fire Department commented on the project stating that fire protection responsibilities are detailed in the California Fire Code (latest edition) and the Public Resources Code 4290 and 4291. CAL FIRE enforces the Public Resources Code and Mariposa County Fire enforces the California Fire Code. The Fire Department states that the project must meet all the applicable sections of the California Fire Code and the department provided references to applicable sections of code that relate to Fire Apparatus Access Roads, Key Boxes for any automatic gate entrances, fire hydrants, and water supplies.

Public Resources Code 4290 is codified in Title 14, CCR. Section 1273.09 of Title 14 states that the maximum allowable dead-end road length for parcels zoned for 1 acre to 4.99 acres is 1,320 feet. The majority of the parcels in the subdivision are between 2.5 and 5 acres in size.

The project proposes emergency access from the northerly terminus of the main proposed access easement to an off-site easement to the north of the project site, which eventually connects to an additional easement which then connects to Highway 140.

Due to uniformly applied construction and land management standards in State Responsibility Areas such as Catheys Valley, *the project will have a less than significant impact on the issue of wildland fires.*

B.10 HYDROLOGY & WATER QUALITY

10. HYDROLOGY AND WATER QUALITY Would the project:	Potentially significant impact	Less than significant with mitigation incorporation	Less than significant impact	No impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?			√	
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?			√	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
i) result in a substantial erosion on- or off-site;			√	
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site			√	
iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or		√		
iv) impede or redirect flood flows?			√	
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to		√		

project inundation?				
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?			√	

B.10.a Water Quality Standards/Waste Discharge Requirements/Water Quality

A significant impact would occur if the project violated a water quality standard or waste discharge requirements or otherwise substantially degraded surface or groundwater quality. The project proposes individual septic systems for each lot. The Environmental Health Unit has reviewed and approved the location and size of primary and replacement septic envelopes for each lot in the proposed subdivision in accordance with Health Department Policy 03-01 and General Plan Policy 9-5 and Implementation Measure 9-5a(1). The Mariposa County Improvement Standards will apply to any road work done as part of the project proposal. These adopted policies contain provisions for drainage plans, soil compaction and sediment control during construction, and permanent re-vegetation following construction. The County Engineer typically has the authority to require engineered drainage plans to address any increased water run-off from proposed roads. Onsite inspections are conducted to ensure compliance with these standards.

The 2019 California Code of Regulations Title 24, Parts 1-12 standards, also contain drainage plan requirements to ensure that any changes to existing drainages are done in such a way as to ensure that the function and capacity of the affected drainage course is maintained following construction. Soil compaction standards, provisions for sediment control during construction, and re-vegetation following construction are contained in this ordinance. The 2019 California Code of Regulations Title 24, Parts 1-12 standards will apply to site grading work done for future residential development. This code contains requirements for soil compaction and sediment control during construction, and permanent re-vegetation following construction. Onsite inspections by the Building Department are conducted to ensure compliance with these requirements.

In addition, if more than one acre of land will be disturbed, the project will be subject to a National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges of Storm Water Associated with Construction Activity from the Regional Water Quality Control Board. This permitting is part of the existing regulatory environment and is addressed in the standard conditions of approval for projects in Mariposa County.

These adopted policies and ordinance requirements, and the required permits and onsite inspections, will ensure *a less than significant impact* from future grading activities associated with implementation of the development of the site and access roads. Uniformly applied development standards for the permitting and regulation of individual sewage disposal systems, are designed to address public health and safety concerns, and will ensure that *the project will have a less than significant impact on water quality standards*.

B.10.b,e Changes in Groundwater Resources

A significant impact would be one that substantially depletes groundwater quantities or interferes with groundwater recharge.

The General Plan EIR states that Policy 11-2c of the General Plan and its supporting implementation measures provide for the preservation of existing or potential sources of a sustainable water supply through maintaining low intensities of development in order to protect the capacity of watersheds, and would designate watershed areas of surface water systems where such systems and their proposed watershed areas serve or are capable of serving as a potable water source. The environmental impact report (EIR) prepared for the General Plan found that there is a less than significant impact on groundwater quantity from implementation of the General Plan due to the low

density of residential development in the Residential land use classification of the county. The General Plan EIR analyzed a minimum parcel size for new subdivisions of 2.5 acres of gross land area provided the average density does not exceed one dwelling per 5 acres within the countywide Residential land use classification. The minimum parcel size density within the Residential land use classification in the adopted Catheys Valley Community Plan mirrors that contained in the countywide General Plan. The EIR prepared for the Catheys Valley Community Plan found that implementation of the Plan would have no impacts to groundwater quantity because there are no anticipated large-scale developments utilizing groundwater resources in Catheys Valley. The average parcel size within this project is 4.25 acres, which means a slightly higher project density than the one dwelling unit per 5 acres average density standard for new development, the standard upon which groundwater impacts were analyzed for the implementation of the countywide General Plan and Catheys Valley Community Plan. *Therefore, it can be concluded that groundwater impacts from the project would not be significant.*

An analysis prepared by HerSchy Environmental reviewed well testing conducted on site, as well as previous water supply analyses conducted for neighboring projects. The report concluded that there is sufficient water availability to serve the planned subdivision, without appreciable negative impact to the water supply in the general vicinity, and that surrounding projects will not negatively impact this project for the following reasons:

- Ken Schmidt calculated available water for the adjacent project in excess of three to six times the project requirements; this suggests no adverse effects by that project to the area's water supply, and with a large surplus, no adverse effects from surrounding wells on that project.
- Test Well #1 at the current project site was calculated to produce 23,000 gallons over 12 hours at 32 gpm, with no appreciable drawdown observed in three observation wells approximately 1,000 feet away in varying directions. With Test Well #1 pumped at a rate capable of supplying 23 dwellings with little impact, no actual well planned to serve more than four dwellings and Ken Schmidt's indication that well spacing of 500 feet would mitigate drawdown at other wells, there appears to be ample water to support the installation and operation of multiple wells in support of 58 dwellings."

Based upon these factors, impacts on groundwater from the proposed development is less than significant.

B.10.c Drainage Patterns/Impervious Surfaces; Substantial Erosion; Flooding; Stormwater System Capacity; Polluted Runoff

A significant impact would be one that substantially alters drainage and surface flows through alteration of the course of a stream or river or through the addition of impervious surfaces in a manner that results in substantial erosion or siltation on- or off-site; substantially impacts drainage patterns causing flooding on- or off-site; contributes runoff causing the capacity of drainage systems to be exceeded or provides substantial polluted runoff; or redirects flood flows. The project will not alter the course of a stream or river; result in substantial erosion on- or off-site; substantially increase the rate of surface runoff, so as to result in flooding; contribute substantial runoff; result in exceedance of stormwater drainage system capacity; provide substantial additional sources of polluted runoff; or redirect flood flows. Site grading and road improvements could result in substantial alteration to drainage and surface flows. The Mariposa County Improvement Standards will apply to road work done as a part of the project proposal. These adopted policies contain provisions for drainage plans, soil compaction and sediment control during construction, and re-vegetation following construction. Any amendments to drainages will ensure that the function and capacity of the affected drainage course is maintained following construction. Onsite inspections are conducted to ensure compliance with these standards. The standards of the 2019 California Code of Regulations Title 24, Parts 1-12, will apply to site grading work done for project construction. Soil compaction and sediment control during construction and permanent re-vegetation following construction is also required.

These adopted local policies and ordinance requirements, the permits required, and the required onsite inspections, will ensure that drainage facilities are constructed to all applicable standards.

CalTrans commented that the developer needs to ensure that the existing State drainage facilities will not be significantly impacted by the project. If historical undeveloped topography shows drainage from the project site flowed into the State right-of-way of Highway 140, it may continue to do so providing peak flows are not increased from the pre-construction quantity. Site runoff must be treated to meet present stormwater quality standards. If drainage does not flow into the State right-of-way currently, then it will not be allowed to flow into the right-of-way in the future with project development. The applicant will need to calculate runoff peak discharges for 10 and 100-year storm events for pre- and post-construction.

Project impacts to existing state drainage facilities adjacent to the project site are potentially significant. *The following mitigation measure is proposed to reduce these potentially significant impacts to less than significant levels:*

Mitigation Measure 10.c.1

Prior to the issuance of a grading permit for the project, the project applicant shall submit engineered drainage plans to the California Department of Transportation for review to ensure that all CalTrans requirements regarding drainage from the project site are addressed. The drainage plans shall be prepared to CalTrans standards. The plans shall show how any runoff into State drainage facilities from the site is to be treated to meet current stormwater quality standards. If flows into State drainage facilities will not be increased by the project, the project shall provide CalTrans with information utilized to arrive at that conclusion. Verification of CalTrans review and approval of the drainage plans shall be provided to the Mariposa County Planning and Public Works departments prior to the issuance of a grading permit for the project.

Monitoring for Mitigation Measure 10.c.1: This measure will be monitored by the Mariposa County Planning and Public Works departments through the project construction permitting process.

B.10.d Release of Pollutants in Flood Hazard, Tsunami or Seiche Zones from Project Inundation:

Mariposa County is not subject to tsunamis. The issue of seiche as it may relate to a dam inundation area is addressed by General Plan policy 16-4c. This project site is not located in such an area. The issue of ground shaking and earthquake faults is addressed in the “Geology and Soils” section above. This issue is addressed during review of individual projects. This residential project is not of the type or nature to result in the release of pollutants in a flooding or earthquake event. A roughly one-acre stock pond impounded by an earthen dam is located within proposed Lot 21 as shown on the tentative map for the project. This pond is similar to many stock ponds in Mariposa County and the foothill area. Overflow from the pond empties into a drainage running generally north to south eventually meeting Owens Creek south of the project site. A proposed cul-de-sac road serving proposed lots 22, 23, and 24 crosses this drainage and the drainage traverses proposed Lot 24. There is a potential for failure of this earthen dam to impact property and persons downstream. This is considered to be a *significant impact requiring mitigation to reduce this impact to a less than significant level. This proposed mitigation follows:*

MITIGATION MEASURE 10.d.1

A document shall be recorded and referenced on the final map stating the following:

“The owner of Lot 21 as shown on the final map filed in Book of Maps at Page _____, Mariposa County Records is responsible for maintenance of the earthen dam located on this lot. The dam shall be maintained in a manner that prevents, to the maximum extent feasible, failure of the dam that could result in impacts to persons or property downstream of the dam. The lot owner is encouraged to enlist

the services of a qualified registered civil engineer to inspect the dam on a periodic basis to ensure dam safety.”

(Should lots be merged and/or the subdivision map modified from the current configuration, the mitigation language relating to the lot number shall be changed to reflect the modification.)

Monitoring for Mitigation Measure 10.d.1: This measure will be monitored by the Mariposa County Surveyor and the Mariposa County Planning Department through the final map filing process.

B.11 LAND USE & PLANNING

11. LAND USE AND PLANNING Would the project:	Potentially significant impact	Less than significant with mitigation incorporation	Less than significant impact	No impact
a) Physically divide an established community?				√
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?		√		

B.11.a Physically Divide an Existing Community

A significant impact would occur if the project physically divided an established community. The project site is in an area that has been developed with small-lot residential uses of two to five acres in size. There are also larger lots located adjacent to the project site, but they can also be developed with residential uses with densities similar to the proposed project. There is some limited commercial development located to the north and west of the project site. The property is in the Interim Community Center land use classification of the Catheys Valley Planning Study Area and is zoned Town Planning Area (TPA). The minimum parcel size for the TPA zone is 2.5 acres with on-site wells and sewage disposal systems. The development of the project site will be consistent with existing residential development and limited commercial development in the immediate vicinity and general area. The project will not divide an established community. *Thus, there are no impacts.*

B.11.b Conformance with General Plan Designation, Zoning and Other Environmental Policies

A significant impact would occur if the project conflicted with a land use plan, policy or regulation adopted to avoid or mitigate an environmental effect. There are no land use plans, policies, or regulations that were adopted to avoid or mitigate an environmental effect that affect this parcel. While the project is within the boundaries of the adopted Catheys Valley Community Plan, the subdivision project was submitted and deemed complete prior to the adoption of the plan, thus it is not subject to the policies contained in the plan. The Interim Community Center land use classification applies to this parcel for review of this subdivision. Per the General Plan, the “Interim Community Center land use classification identifies lands for single family dwellings within a Planning Area for which an area plan has not yet been adopted.” The Interim Community Center land use also establishes a minimum parcel size of 2.5 acre for new subdivisions. Future development on the created lots will be subject to the standards and policies of the Catheys Valley Community Plan. The proposed project is consistent with the **General Plan Interim Community Center 2.5 acre minimum lot size and maximum density**. Maximum density for

the Community Residential land use, which any development of these parcels will be subject to, is 1 unit/2.5 acres with a minimum parcel size of 2.5 acres. All proposed lots exceed 2.5 acres. The project is consistent with the Mariposa County General Plan and existing zoning standards contained in Title 17, Mariposa County Zoning Code, at the time of completeness of project application.

The current zoning for the project site is Town Planning Area (TPA). Land Uses allowed in the TPA include both residential uses and uses allowed in the Neighborhood and Resort Commercial zoning districts, subject to Use Permit and Use Permit Determination requirements. The standards for this zone are contained in Chapter 17.12 of Title 17, Mariposa County Zoning Code. For Town Planning Areas where specific land use policies have not been developed, the land use regulations of the Rural Residential zone (Chapter 17.16, Title 17) apply as interim land use regulations. The Town Planning Area zone permits minimum parcel sizes of 2.5 gross acres if the domestic water system and the sewage disposal system are to be developed on the parcel, as is the case with this project.

Thus the project will have a less than significant impact.

General Plan Residential Land Use Classification 5.3.02. E. New Subdivisions

The proposed subdivision project is consistent with the following policies of the General Plan, designed to create “ready to build parcels” including maintained roads, water supply, and wastewater disposal.

E(1) ROAD CAPACITY AND ACCESS

The proposed project will be consistent with the County Road Improvement and Circulation Policy. All newly created subdivision parcels will have safe and maintained access roads.

E(2) Hillside and Ridge Top Design (see Rural Character discussion, this section, below)

General Plan Policy 5.3.02 E(2) Hillside and Ridge Top Design, is summarized as follows:

- *“Building on hillsides is an issue of critical concern to conserving the rural character and avoiding an “over-developed” appearance countywide.*
- *The County’s terrain and topography has no regularity, making a uniform solution impossible.*
- *Subdivision roads and building sites will be designed to minimize cuts and fills. All cuts and fills will be re-vegetated within one growing season of construction.*
- *The Planning Commission will review subdivisions with slopes on parcels in excess of 15% intending to consider the following mitigations:*
 - *The Commission may permit lot size flexibility within density limits (e.g., clustering) to best achieve safe and reasonable building sites.*
 - *The Commission will review proposed building sites and native vegetation with the intent of requiring or maintaining a screen of access roads, driveways, and structures consistent with fire safety regulations (emphasis added).*
 - *The Commission may require building sites to be set back from ridgelines.*

- *Visual impact of the subdivision and its building sites may result in the Planning Commission modifying parcel sizes and potentially reducing the number of proposed lots.”*

The subject site contains hillsides with slopes in excess of 15% slopes.

There are two issues affecting the determination of the level of significance of potential impacts to visual quality:

- 1) The rural character of the area, as that character is defined by the General Plan; and
- 2) Viewsheds in relation to the values expressed in the Mariposa County General Plan regarding noted types of sensitive landscape elements.

The General Plan EIR established as a point of significance for visual resources from non-single family dwelling units. Single family dwelling units will be constructed within this residential subdivision project. Thus the proposed subdivision will not have a potentially significant impact on visual impacts.

Because all the proposed lots contain areas that are outside of areas with slopes in excess of 15%, it is possible for future residential development to be constructed on the residential parcels in compliance with the objectives of the General Plan policies. However, because there are portions of the residential parcels with building sites on slopes in excess of 15%, and because the implementing zoning for the Catheys Valley Community Plan has not yet been adopted, all residential building permits on parcels with slopes in excess of 15% in the Catheys Valley Community Plan area shall be reviewed to ensure less than significant impacts will result. The following mitigation is proposed to ensure that any potential impacts are addressed and that potential buyers receive notification of the required review:

MITIGATION MEASURE 11.b.1

Two copies and a digital version of the final map for the project delineating all required setbacks (including from Owens Creek, wetland features and ephemeral drainages), sewage reserve areas as approved by the Environmental Health Unit, and approximate location of slopes greater than 15% for all lots zoned for residential development shall be submitted to the Planning Department. A statement shall be recorded in Official Records concurrently with the final map, referenced on the final map or shall be included on an additional map sheet which indicates its relationship to the final map. The statement shall be made applicable to all parcels in the development. The statement shall be as follows:

“This notice is not intended to affect record title interest. The General Plan and Catheys Valley Community Plan establish design review objectives and policies for existing and future residential parcels with slopes in excess of 15%. Pending adoption of specific zoning regulations, all building permits for lots with slopes in excess of 15% shall be reviewed pursuant to the hillside development standards established for the Mariposa Town Planning Area pursuant to Section 17.336.040.A-C. of Mariposa County Code; Sections 17.336.040.A-C standards shall apply to future building and grading permits on the residential lots until such time as specific standards for the Catheys Valley Community Plan are developed and adopted for hillside and ridge top development, upon which time those standards shall apply. Building and site work on the residential lots on areas which are less than 15% grade shall be exempt from the standards. A map delineating all required setbacks (from Owens Creek and ephemeral drainages), sewage reserve areas as approved by the Environmental Health Unit, and the approximate location of slopes greater than 15% in on file with the Planning Department in Major Subdivision No. 2009-052’s application file.”

Monitoring for Mitigation Measure 11.b.1: This mitigation measure will be monitored by the Mariposa County Surveyor and the Mariposa County Planning Department through the final map filing process. This mitigation measure will be monitored by the Mariposa County Planning Department for review of future residential building permits on these parcels.

E (3) SEWAGE DISPOSAL SYSTEMS

The applicant has provided soils information, demonstrating septic envelopes and replacement areas to the satisfaction of the Environmental Health Unit.

E (4) POTABLE WATER SUPPLY

Water supplies for residential lands are derived from private wells on these parcels. Mariposa County groundwater supplies are found in fractures in the bedrock. Other than this groundwater, there are no other known water supplies to serve any parcel shown on this map. The applicant has prepared an evaluation of the availability of water (Hersch, April 2018) which evaluated full buildout of the subdivision (two residences per lot). The analysis concluded that the site would have ample water quantity for the planned development.

E(5) WILDLAND FIRE HAZARD AND EMERGENCY SERVICES

Uniformly applied standards for fire hazard mitigation are required for this project including regulations of the County Building Department, County Fire Department, and California Department of Forestry and Fire Protection (CAL FIRE) for purposes of fire management and fire safety.

E(6) LOCATIONS OF FLOOD ZONE OR RISK OF FLOODING

Proposed lots 7, 17, 26, and 27 have portions of Owens Creek running through them that are located within a flood zone. All of the lots have sufficient areas for residential construction outside of the flood zone.

Based on the applicant's proposal and the development standards contained within the Catheys Valley Community Plan for future development, *the project will have a less than significant impact.*

B.12 MINERAL RESOURCES

12. MINERAL RESOURCES Would the project:	Potentially significant impact	Less than significant with mitigation incorporation	Less than significant impact	No impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				√
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local General Plan, specific plan or other land use plan?				√

B.12.a, b Mineral Resources

A significant impact would occur if the project resulted in the loss of availability of a mineral resource of value to the region and state, or result in the loss of a locally important mineral resource shown on land use planning maps. The Mariposa County General Plan does not identify the project area as an important mineral recovery site. The project site is in the Interim Community Center land use designation as described in the Mariposa County General Plan. The zoning for the property is Town Planning Area. The area has historically been used for large- and small-lot residential uses as well as agricultural activities, primarily grazing. The project will not result in the loss of availability of a known mineral resource that would be of value to the region and residents of the state. The General Plan does not identify this area as an important mineral resource recovery site. The Catheys Valley Community Plan does not identify this area as an important mineral resource recovery site. *Thus, the project will have no impact.*

B.13 NOISE

13. NOISE Would the project result in:	Potentially significant impact	Less than significant with mitigation incorporation	Less than significant impact	No impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			√	
b) Generation of excessive groundborne vibration or groundborne noise levels?			√	
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				√

B.13.a,b Generation of Substantial Noise That Exceeds Established Standards/Groundborne Vibration or Noise

A significant impact would occur if the project resulted in the generation of substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; or generate excessive ground-borne vibration or ground-borne noise levels. The Mariposa County General Plan states that the rural lifestyle found in Mariposa County results in a noise environment that is well below 55 dba CNEL standard. The Mariposa County Noise-Land Use Compatibility Chart, shown as Figure 12-1 in Volume III, Technical Background Reports of the

Mariposa County General Plan, shows that Ldn or CNEL decibel levels of up to 60 are normally acceptable community noise exposure levels for low density single family, duplex, and mobile home residential development. Decibel levels of up to 65 are normally acceptable for multi-family residential uses. Up to 70 decibels is conditionally acceptable in both categories. Noise during construction may exceed these levels but construction is expected to be of limited duration and during normal working hours. Mariposa County does not have an adopted noise ordinance. The project will not generate excessive groundborne vibration or groundborne noise. In consideration of the nature of the proposed project and the surrounding land uses it can be determined that the project is compatible with the area from a noise and vibration perspective. The subdivision project will not create significant noise impacts. *The project will have a less than significant impact*

13.c Exposure to Airport or Airstrip Noise

A significant impact would occur if there is exposure of people residing or working in the project area to excessive noise from public airports or private airstrips. The project site is not located near an airport or airstrip. *Due to these factors, the project will have no impact.*

B.14 POPULATION & HOUSING

14. POPULATION AND HOUSING Would the project:	Potentially significant impact	Less than significant with mitigation incorporation	Less than significant impact	No impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			√	
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				√

B.14.a Population Growth Inducement

A significant impact would result if the project induces substantial population growth in an area. The addition of 26 new lots (27 proposed – 1 existing), with individual wells and septic systems, will not induce substantial population growth in this area. The proposed project is consistent with the planned uses and density of development for the area. *Thus, the project will have no impact on this issue.*

B.14.b Displacement of Housing/People

A significant impact would result if the project displaced substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere. A significant impact would result if the project displaced substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere. There is one existing residence on the property that is currently not being proposed for removal to implement the project. The project creates additional lots for the development of housing units. This project will not displace any people. *Thus, the project will have no impact.*

B.15 PUBLIC SERVICES

15. PUBLIC SERVICES	Potentially significant impact	Less than significant with mitigation incorporation	Less than significant impact	No impact
Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
a) Fire protection?			√	
b) Police protection?			√	
c) Schools?			√	
d) Parks?			√	
e) Other public facilities?			√	

B.15.a. and b. Emergency Services Improvement Impacts

The land division will create 27 parcels out of an existing parcel, in accordance with planned land uses for this area. Existing emergency response facilities will provide adequate service to the project. Goal 9-9 of the General Plan states as its goal, “*Maintain quality emergency service delivery.*” Policy 9-9a calls for defining acceptable service standards and creating a comprehensive plan to attain and maintain service delivery, and Implementation Measures 9-9a(1) and 9-9a(2) call for the preparation and implementation of an emergency services plan to implement the goal. The project will not have a negative impact on this goal, policy or these implementation measures. Although new development adds cumulatively to the demand for police and fire protection, impact from this project, due to its size, *is considered to be less than significant.*

B.15.c School Improvement Impacts

The land division will create 27 parcels out of one existing parcel, which could currently be used for residential purposes. This subdivision project will not result in a substantial number of new students. The Mariposa County Unified School District was provided the opportunity to comment on a previous version of the project in 2009, which proposed 30 lots. The district stated it had no specific concerns pertaining to the project. The project will be required to pay school impact fees through the building permit process, which are established to address development project impacts on schools. *Thus, the project will have a less than significant impact.*

B.15.d Park Improvement Impacts

The land division proposes 27 parcels out of one existing parcel in accordance with planned land uses for the area and will not cause a substantial new demand on parks. Existing facilities will provide adequate service to the project; no new facilities are needed. *Thus, the project’s impact on parks facilities is less than significant.*

B.15.e Other Public Facility Impacts / including Road Improvement Impacts**Road Improvements**

The Mariposa County Road Improvement and Circulation Policy establishes an average daily traffic estimate for residential parcels in Mariposa County of 8 trips per day. Consequently, this project has the potential to increase traffic in the area by 208 trips per day (27 parcels X 8 trips = 216, subtracting the 8 trips that are generated by the existing development). The addition of this amount of traffic to area roadways will not result in a significant impact to either the maintenance of the roads or the proposed Level of Service. This issue is addressed in the *Transportation and Traffic* section below. Access roads will be required to be improved as required by the Mariposa County Road and Circulation Policy. All roads will meet the required standards at the time of Final Map filing.

Thus, the project will have a less than significant impact.

Water and Sewer Public Facilities

The proposed project would have a significant environmental impact if public water and sewer facilities would need to be constructed in order to maintain adequate service levels for the proposed project. The project proposes that all 27 lots will be served by individual wells.

While this project is within the Interim Community Center land use designation and not within the Residential Land Use Classification of the General Plan, General Plan Section 5.3.01.I(2) states that “Development within the Interim Community Center designation shall comply with all provisions of the Residential Land Use Classification as established by Section 5.3.02. Standards in that section were used as guidance for water supply and sewage disposal systems. General Plan Section 5.3.02.E(4) requires that new subdivision lots are to be served by an approved potable water supply. Prior to recordation of a final map, the subdivider is required to prove to the satisfaction of the Mariposa County Environmental Health Unit that each new parcel has a supply of potable water meeting requirements for quantity and quality. The General Plan requires a demonstration that there can be a source of water capable of producing a sustained potable water supply with storage of at least 1,000 gallons per twelve (12) hour day per dwelling unit or other satisfactory proof, which may consist of a hydrogeological study of the area by a qualified professional and wells drilled and tested prior to sale to demonstrate the quantities described.

New projects and subdivisions are required to have access to basic water and wastewater infrastructure, including a potable water supply meeting Environmental Health’s requirements, under Policy 9-5a and Implementation Measure 9-5a(1) in the Circulation, Infrastructure, and Services Element of the General Plan. The Mariposa County Environmental Health Unit has reviewed the revised addendum to results of well testing dated August 15, 2018 and prepared by HerSchy Environmental, Inc. and stated that the report meets the minimum requirements of the General Plan for proof of water.

The General Plan requires a typical statement recorded concurrently with and referenced on the final or parcel map stating the following:

Water supplies for residential lands are derived from private wells on these parcels. Mariposa County groundwater supplies are found in fractures in the bedrock. The costs associated with drilling and developing a private well is highly variable because it is unknown how much or if any additional water can be found on these parcels. There is no guarantee additional potable water supply of adequate quality or quantity can be found or sustained on any parcel shown on this map.

Thus, the project will have a less than significant impact.

B.16 RECREATION

16. RECREATION	Potentially significant impact	Less than significant with mitigation incorporation	Less than significant impact	No impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			√	
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				√

B.16.a Use of Existing Recreational Facilities

A significant impact would result if the project substantially increased the use of existing recreational facilities or was accelerated due to the project, and the increase in use had the potential to cause substantial physical deterioration. This 27-parcel subdivision project will not result in a significant impact on existing recreation facilities. Public Works did not identify any concerns that existing park facilities located near the project site would not be adequate or be significantly impacted by the proposed project. *The project will have a less than significant impact.*

B.16.b Construction or Expansion of New Recreational Facilities

A significant impact would result if the project included recreational facilities that might adversely affect the physical environment due to construction or expansion. The project does not include recreational facilities and none would be required to be constructed due to this project. *Thus, the project will have no impact.*

B.17 TRANSPORTATION

17.TRANSPORTATION Would the project:	Potentially significant impact	Less than significant with mitigation incorporation	Less than significant impact	No impact
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?			√	
b) Conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b)?			√	
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			√	
d) Result in inadequate emergency access?			√	

B.17.a Circulation System

A significant impact would result if the project conflicted with a program, plan ordinance or policy addressing the circulation system. The Mariposa County Road Improvement and Circulation Policy establishes an average daily traffic (ADT) estimate for residential parcels of 8 ADT. Consequently, this project has the potential to increase traffic in the area by 208 trips per day (the site currently produces 8 ADT; therefore, the 208-trip figure is arrived at by multiplying 27 proposed lots by 8, less existing traffic). This is not a significant contribution to traffic volumes for roadways in the area.

The Highway 140/Hornitos Road intersection has deceleration/acceleration lanes and turn lanes and is constructed to CalTrans standards. Internal roadways will be constructed to the standards required by the Mariposa County Road Improvement and Circulation Policy and the county's Improvement Standards. Off-site roadways will also be required to meet county standards, which are designed to ensure adequate traffic movement and public safety. Hornitos Road up to the project site is paved and is of adequate width to serve the project site.

The Mariposa County General Plan requires that off-site roadways meet minimum county standards for a subdivision to be approved. This means that the Hornitos Road Extension will be required to meet the standards of the RICP with respect to travel lane width and surfacing in order to serve this project. The existing condition of Hornitos Road meets the most stringent width and surfacing standards contained in the RICP, and far surpasses the standard for a rural residential subdivision. Hornitos Road also surpasses the standard for commercial and industrial development as contained in the RICP. Hornitos Road for several hundred feet from its intersection with Highway 140 is a paved road divided by a landscaped median. The roadway is paved just beyond the project site property line. The right lane from the intersection with Highway 140 to the end of the median is 22-30 feet wide and up to 40 feet wide beyond the landscaped median to the project site property line. The other lane is a minimum of 12 feet in width where it parallels the median.

The condition of Hornitos Road, which exceeds the standards as described above, precludes the necessity to prepare an assessment of the road's capacity to meet existing and new uses when the aggregate potential development will increase the utilization of the road by more than 25% as would be required by Implementation Measure 9-1c(3) of the Mariposa County General Plan. It is clear the road exceeds minimum standards.

The project will not result in the capacity of the existing circulation system to be exceeded. The condition of existing roads and implementation of the county's road standards as conditions of approval on the project will ensure that General Plan Goal 9-1, which requires that all development have safe and adequate access, is satisfied. The project is consistent with this goal's supporting policies and implementation measures as described on pages 9-7 through 9-9 of the General Plan, including Implementation Measure 9-1d(1) which states that no subdivision or discretionary project shall be approved if the traffic generated by the proposed project will exceed the capacity of the road systems which provide access from the nearest County major collector or State highway unless mitigation is required.

The Catheys Valley Community Plan (CVCP), generally uses the standards of the Mariposa County General Plan when considering road conditions and requirements for new development. For instance, Policy CV.5.1-5b states that subdivision activity is only permitted on roads with adequate capacity to serve all potential new lots. The project is consistent with this goal and its subsequent implementation measures. Therefore, the project site is consistent with the CVCP.

CalTrans provided comments on a prior tentative map relating to traffic peak volumes, the requirement that the intersection meet the department's standards for a Public Road Connection and potential encroachment permits on a prior tentative map. Except for the issue of encroachment permits, those comments were not referenced in the agency's comments on the current tentative map.

The project does not propose any encroachments from Highway 140.
The project will have a less than significant impact on the county's circulation system.

B.17.b Conflict With CEQA Guidelines §15064.3, Subdivision (b)

A significant impact would result if the project conflicted with this CEQA Guideline section. This section provides criteria for analyzing transportation impacts of projects. Section 15064.3 of the CEQA Guidelines provides specific considerations for evaluating a project's transportation impacts. Per Section 15064.3, analysis of vehicle miles traveled (VMT) attributable to a project is the most appropriate measure of transportation impacts. Other relevant considerations may include the effects of the project on transit and non-motorized travel. Except as provided in Section 15064.3 (b)(2) regarding roadway capacity, a project's effect on automobile delay does not constitute a significant environmental impact under CEQA. Per Section 15064.3(3), a lead agency may analyze a project's VMT qualitatively based on the availability of transit, proximity to destinations, etc. The proposed project is located within close proximity to a Yosemite Area Regional Transportation System (YARTS) bus stop, located within a ½ mile radius. The bus service provides connection to the town of Mariposa, Yosemite National Park and the City of Merced. The town of Mariposa has available commercial, health, and public services. In addition, the project is located within close proximity to some employment opportunities and neighborhood retail uses. Thus, the proximity of the project site to existing public transit infrastructure as well as a variety of land uses would act to reduce VMT associated with project operations. The project is presumed to *have a less than significant impact*.

B.17.c Increase Hazards due to Geometric Design Features

A significant impact would result if the project resulted in sharp curves or dangerous intersections or incompatible uses. The Mariposa County Road Improvement and Circulation Policy establishes an average daily traffic (ADT) estimate for residential parcels in Mariposa County of 8 trips per day. Consequently, this project has the potential to increase traffic in the area by 208 trips per day (the site currently produces 8 ADT; therefore, the 208-trip figure is arrived at by multiplying 27 proposed units by 8, less existing traffic). The project proposes to improve the access to the site to the standards required by the Mariposa County Road Improvement and Circulation Policy, as well as the Mariposa County Improvement Standards. The travel lanes will be improved to a sufficient width and surface to accommodate the potential traffic plus existing traffic. Improvements to any intersections as part of the proposed road improvements will need to meet the County's Improvement Standards, as well as Caltrans standards through a required encroachment permit if they do not already meet their standards. As noted above, the Highway 140/ Hornitos Road intersection has deceleration/acceleration lanes and turn lanes and is constructed to Caltrans standards. A breakaway emergency gate would be installed between the cul-de-sac of the main proposed access road and the emergency extension roadway. The on-site and off-site roads will be required to be constructed in accordance with applicable standards contained in the Mariposa County Improvement Standards and the Road Improvement and Circulation Policy, as well as State Fire Safe standards. Therefore, the project, upon completion of the proposed road improvements, and when done in compliance with the County's Improvement Standards and Caltrans encroachment permit requirements for the proposed emergency access as required, *will have a less than significant impact on the issue of traffic hazards*.

B.17.d Emergency Access

A significant impact would result if the project resulted in inadequate emergency access. The project will be required to meet all emergency access requirements as required by CAL FIRE. Additionally, an emergency access is proposed to facilitate evacuations if necessary during an emergency. The emergency egress point, located at the northeastern corner of the project site, will connect to Guenthart Way, then to Highway 140. CalTrans stated that project traffic will not be allowed access to and from Highway 140 via Guenthart Way. The project proposes access to Guenthart Way in emergencies only. A breakaway gate located between the project site and Guenthart Way will be constructed to State/CAL FIRE standards *Due to these factors, the project will have a less than significant impact*.

B.18 TRIBAL CULTURAL RESOURCES

18. TRIBAL CULTURAL RESOURCES	Potentially significant impact	Less than significant with mitigation incorporation	Less than significant impact	No impact
Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or			√	
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.		√		

B.18.a and b Tribal Cultural Resources A significant impact would occur if the project had a significant impact on tribal cultural resources, which are defined in the table above.

The study of the site by Varner and Associates found several potential resources, three prehistoric bedrock mortar or milling (BRM) stations, consisting of mostly shallow conical holes used by Native Americans to grind acorns and other food stuffs. Mitigation has been proposed to protect these resources and reduce potential impacts to less than significant levels.

The study states that it is possible that other archaeological materials lie beneath the vegetation cover or ground surface, where they might be uncovered during future excavation, grading or construction. If that occurs, Mariposa County authorities and/or a qualified archaeologist should be notified immediately.

For projects where construction will occur, a mitigation measure addressing cultural resource finds during that construction is applied. The mitigation measure addresses other cultural resources as well as human remains. (Please see B.5.c above for a more detailed discussion of this issue.)

Public Resources Code requires lead agencies to consult with any California Native American tribe that requests consultation and is traditionally and culturally affiliated with the geographic area of the proposed project to help determine whether a project may have a significant effect on a tribal cultural resource.

No tribe has formally requested notification to consult with Mariposa County. Mariposa County however still sent invitations to consult on this project to the Mono Indians, North Fork Rancheria; North Fork Mono Tribe; Picayune Rancheria of the Chukchansi Indians; and the American Indian Council of Mariposa County Southern Sierra Miwuk Nation. No responses requesting consultation have been received.

Therefore, it can be found that the project will have a less-than-significant impact on tribal cultural resources.

B.19 UTILITIES & SERVICE SYSTEMS

19. UTILITIES AND SERVICE SYSTEMS Would the project:	Potentially significant impact	Less than significant with mitigation incorporation	Less than significant impact	No impact
a) Require or result in the relocation of construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?			√	
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?			√	
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			√	
d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?			√	
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?			√	

B.19.a Water, Wastewater Treatment; Stormwater Drainage; Electric Power, Natural Gas, Telecommunications Facilities

A significant impact would result if the project required or resulted in the relocation or construction of these facilities that would cause significant environmental effects. The project proposes individual wells and septic systems. Areas on all proposed lots have been identified that support septic systems. Sierra Telephone states that an underground cable exists on the site and the company encourages the creation of an easement for the cable; in the alternative, the project applicant can pay to have the cable relocated to another public utility easement area. Sierra Telephone has commented that they do not have any other objections to the project, and asks that the developer contact them prior to construction in order to coordinate the location of telephone facilities. No utilities have expressed any concerns with the proposed project. The project will need to meet all requirements for the handling of stormwater drainage during road construction and for future residential construction through the building permit process. *Due to these factors, the project will have a less than significant impact.*

B.19.b,c **Water, Wastewater Treatment Capacities**

A significant impact would result if water supplies were insufficient to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years or a wastewater treatment provider does not have the capacity to serve the project in addition to its existing commitments. The EIR states that Policy 11-2c of the General Plan and its supporting implementation measures provide for the preservation of existing or potential sources of a sustainable water supply through maintaining low intensities of development in order to protect the capacity of watersheds, and would designate watershed areas of surface water systems where such systems and their proposed watershed areas serve or are capable of serving as a potable water source. The environmental impact report (EIR) prepared for the General Plan found that there is a less than significant impact on groundwater quantity from implementation of the General Plan due to the low density of residential development in the Residential land use classification of the county, such as proposed with this project.

An analysis prepared by HerSchy Environmental reviewed well testing conducted on site, as well as previous water supply analysis conducted for neighboring projects. The report concluded that there is sufficient water availability to serve the planned subdivision, without appreciable negative impact to the water supply in the general vicinity, and that surrounding projects negatively impacting this project for the following reasons:

- Ken Schmidt calculated available water for the adjacent project in excess of three to six times the project requirements; this suggests no adverse effects by that project to the area's water supply, and with a large surplus, no adverse effects from surrounding wells on that project.
- Test Well#1 at the current project site was calculated to produce 23,000 gallons over 12 hours at 32 gpm, with no appreciable drawdown observed in three observation wells approximately 1,000 feet away in varying directions. With Test Well #1 pumped at a rate capable of supplying 23 dwellings with little impact, no actual well planned to serve more than four dwellings and Ken Schmidt's indication that well spacing of 500 feet would mitigate drawdown at other wells, there appears to be ample water to support the installation and operation of multiple wells in support of 58 dwellings."

Thus, impacts on water capacities from the proposed development are not significant.

A significant impact would occur if the project results in a determination by the wastewater treatment provider that it has inadequate capacity. Private septic systems are proposed for the project.

Thus, the project will have no impact.

B.19.d,e **Solid Waste**

A significant impact would occur if a project generated solid waste in excess of state or local standards or in excess of local infrastructure or otherwise impair the attainment of solid waste reduction goals or did not comply

with reduction statutes related to solid waste. The project will be subject to all applicable regulations and standards relating to solid waste. *Due to these factors, the project will have a less than significant impact.*

B.20 WILDFIRE

20. WILDFIRE If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially significant impact	Less than significant with mitigation incorporation	Less than significant impact	No impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?			√	
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?			√	
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?			√	
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?			√	

B.20.a,b,c,d Emergency Response or Evacuation Plan; Exposure to Pollutant Concentrations; Installation of Infrastructure Exacerbating Fire Risks or Impacts to Environment; Exposure of People or Structures to Risks

A significant impact would result if a project located in or near State Responsibility Areas or very high fire hazard severity zones would result in substantial impacts on the issues described above. The project is proposed in the Moderate Fire Hazard Severity Zone on the CAL FIRE Fire Hazard Severity Zone Map. The subdivision project creating 27 parcels will not interfere with any emergency response or evacuation plan. All roads will meet minimum Mariposa County Road Improvement and Circulation Policy standards and the County's Improvement Standards, thus ensuring that the roads will be sufficient to adequately serve the development in the event of an emergency. Additionally, the project will need to meet all requirements from CAL FIRE and the Fire Department as part of the project conditions.

The State of California adopted the State Fire Safe Regulations for the purpose of establishing minimum wildfire protection standards in conjunction with building, construction and development in the State Responsibility Areas (SRA). These regulations, known as SRA Firesafe Regulations provide for basic emergency access and perimeter

wildfire protection measures, including clearance around structures. Future building permits for the project parcels also necessitate review by CAL FIRE and onsite inspection prior to permit completion. Finally, future development is subject to continued inspection by CAL FIRE for maintenance of 100' clearance around structures (LE 100). These inspections may be done yearly.

The Mariposa County Fire Department provided comment on the project. The comment letter is available for review at the Mariposa County Planning Department. The comments were broken into seven sections as follows.

1. Wildland Fuel Mitigation (Defensible space, vegetation management plan);
2. Site Development (steep slopes, chimneys, improvements prior to construction);
3. Fuelbreaks and Greenbelts
4. Means of Access (streets and roads, gates, signage);
5. Water Supply (water supply requirements such as minimum gallons per minute requirements, guidelines for water supply needs such as draft sites/dry hydrants);
6. Alternative Development; and
7. Miscellaneous (mapping of fire protection features, maintenance of equipment and features).

Many of the issues raised in the Fire Department's letter are currently addressed during the building permit process for individual residences; review of and construction of all roadways, gates, and signage and required inspections for such improvements to ensure consistency with all existing, applicable standards; and application of minimum proof of water requirements for individual parcels. The project will be subject to all fire safe and additional state and local fire-related requirements. Certain recommendations, such as the implementation of fuel breaks and greenbelts, do not fall under any authority that could require such improvements in Mariposa County.

The project must also meet all the applicable sections of the California Fire Code. Due to uniformly applied construction and land management standards, *the project will have a less than significant impact.*

Section C

MANDATORY FINDINGS OF SIGNIFICANCE

<i>Finding:</i>	Potentially Significant Impact	Less Than Significant With Mitigation	Less than Significant Impact	No Impact
1. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
2. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☒	☐	☐
3. Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☒	☐	☐

Impact Discussion & Conclusions:

- The project has the potential to significantly impact biological resources, potential jurisdictional Waters of the U.S. and wetlands in the form of Owens Creek, the seasonal wetland corridor associated with the culvert directed runoff from Highway 140 and ephemeral drainages and wetland features associated with the open water pond and drainages. The project also has the potential to impact nesting raptors and special-status species. Mitigation measures are proposed to reduce these potentially significant impacts to less than significant levels. The project has the potential to impact cultural resources. These resources are bedrock milling stations and historic rock walls. Mitigation measures are proposed to reduce these potentially significant impacts to less than significant levels.
- The project will result in increased air emissions, groundwater use, noise, traffic and demand for public services. However, these impacts are not considered to be significant, are individually limited, and not cumulatively considerable. The project's potential impacts on on-site biological resources can be reduced to less than significant levels with the implementation of proposed mitigation measures. Off-site resources are also protected through these measures. Therefore, the potential cumulative impact on biological resources from project implementation is considered to be less than significant. The project has the potential to impact State drainage facilities associated with Highway 140. Mitigation is proposed to reduce this potentially significant impact to a less than significant level.
- There is the potential for the failure of an earthen dam on the site to fail and impact persons and property downstream. Mitigation is proposed to reduce this potentially significant impact to a less than significant level.

Based upon the environmental review conducted within this Initial Study, and the anticipated level of impact as a result of the project, a mitigated negative declaration will be adopted for the project.

Section D

MITIGATION MONITORING

BIOLOGICAL RESOURCES

Mitigation Measure 4.a.1

Prior to commencement of construction or grading activities on the project site that is necessary to implement project conditions of approval relating to easement road construction, a qualified biologist shall conduct a pre-construction survey of the project site to determine if special-status species are located in those areas proposed for road improvement. The survey shall be conducted within 30 days of the initiation of construction or grading activities. Should special-status species be discovered during the survey, the project applicant shall comply with all protocols mandated by the qualified consultant in consultation with applicable resource agencies to protect these species. The Planning Department shall be provided a copy of the results of any survey conducted and evidence that any required mitigation measures have been implemented prior to initiation of construction or grading activities.

Monitoring for Mitigation Measure 4.a.1:

This mitigation measure will be monitored by the Mariposa County Planning Department through the project construction permitting process.

Mitigation Measure 4.b.1

Prior to commencement of construction of any easement road improvements, road construction, or other easement road building activities required as a condition of approval for the project, which has the potential to impact the wetland features associated with the Open Water pond and the ephemeral drainages, the project applicant shall obtain any required permitting pursuant to Section 404 of the Clean Water Act from the United States Army Corps of Engineers and, if such permitting is required, a Section 401 Water Quality Certification from the Regional Water Quality Control Board – Central Valley Region. The project proponent shall provide a copy of the permit and certification to the Mariposa County Public Works Department prior to the onsite consultation meeting required as a condition of approval for the project. If such permitting is required all provisions of the Section 404 permit and Section 401 water quality certification shall be completed prior to the filing of the final map. The applicant shall submit to the County Surveyor evidence that all permit and certification requirements have been met to the satisfaction of applicable agencies.

Monitoring for Mitigation Measure 4.b.1: This mitigation measure will be monitored by the Mariposa County Surveyor and the Mariposa County Planning Department through the project construction process.

Mitigation Measure 4.b.2

The final map shall show the wetland features within Owens Creek, the eastern drainage, western drainage, and pond inflow and outflow. An open space setback of twenty-five (25) feet from the edge of the seasonal wetlands and pond, and twenty-five (25) feet from the centerline of Owens Creek and the eastern and western ephemeral drainages located on the project site as shown on the tentative map, which is designed to protect any special status wildlife, wetland features and species, oak woodland habitat and any sensitive habitat that may potentially occur, shall be shown on the final map. The setback area shall exclude the proposed road crossings. A statement shall be recorded in Official Records concurrently with the final map and referenced on the final map or shall be included on an additional map sheet which indicates its relationship to the final map. The statement shall be as follows:

“This notice is not intended to affect record title interest. There are open space setbacks on Lots 3, 5, 6, 7, 8, 12, 14 15, 16, 19, 20, 21, 24, and 27 as shown on the Final Map for JCS Capital Resources filed in the Book of Maps ____ at Page ____, Mariposa County Records. The setback is twenty-five (25) feet from the edge of the seasonal wetlands and pond, and 25 feet from the centerline of Owens Creek and from the centerline of the ephemeral drainages. No structure or improvement shall be constructed within the open space setback except as provided below. A well or wells, water pipes, underground and above ground power lines, fencing and other similar structures or improvements may be constructed within the open space setback subject to approval by the Planning Director. Consultation with a qualified biological consultant, whose services shall be paid for by the property owner, may be required by the Planning Director in order to make a determination. No removal of vegetation (except noxious weeds identified by the United States Department of Agriculture, the California Department of Food and Agriculture, and/or the Mariposa County Agricultural Commissioner) shall be allowed within the open space setback, except as determined necessary by CAL FIRE, and except as needed to implement the uses described in this and the following paragraph. No grading shall be allowed within the setback, except as needed to implement the uses described in this and the following paragraph.

Prior to any grading or construction activities occurring within this setback area, the owner of said lots shall contact the California Department of Fish and Wildlife to determine if a State Fish and Game Code Section 1602 Streambed Alteration Notification is required. If required, the owner shall submit the notification and comply with all applicable requirements of Section 1600 et seq. of the State Fish and Game Code.

Depending upon the location and nature of the construction, grading, or disturbance within the setback area, the parcel owner may be required to obtain from the Army Corps of Engineers permitting under Section 404 of the Clean Water Act. This agency shall be contacted prior to initiation of any disturbance to the setback area. If a Section 404 permit is required, a Section 401 Water Quality Certification from the State Regional Water Quality Control Board shall also be required”.

Monitoring for Mitigation Measure 4.b.2: This mitigation measure will be monitored by the Mariposa County Surveyor and the Mariposa County Planning Department through the final map filing process.

Mitigation Measure 4.d.1

Prior to commencement of construction or grading activities on the project site that is necessary to implement project conditions of approval relating to easement road construction, between February 1st and August 3, a qualified biologist shall conduct a pre-construction survey of the project site to determine if nesting raptors are extant in those areas proposed for construction or grading activities. The survey shall be conducted within 30 days of the initiation of construction or grading activities. Should nesting raptors be discovered during the survey, the project applicant shall comply with all protocols mandated by the qualified consultant in consultation with applicable resource agencies to protect nesting raptors. The Planning Department shall be provided a copy of the results of any survey conducted and evidence that any required mitigation measures have been implemented prior to initiation of construction or grading activities.

Monitoring for Mitigation Measure 4.d.1:

This mitigation measure will be monitored by the Mariposa County Planning Department through the project construction permitting process.

CULTURAL RESOURCES

Mitigation Measure 5.a.1

Open space setbacks of 10 feet from the perimeter of bedrock milling stations as identified in the Cultural Resource Survey prepared for the project site dated January 2002 shall be established and shown on the final map for the project. A document shall be recorded and referenced on the final map stating the following:

“No structure shall be constructed within the open space setbacks as shown on the final map filed in Book of Maps at Page _____, Mariposa County Records. No portions of a sewage disposal system shall be constructed within the open space setbacks. No grading shall be allowed within the setback. The setbacks shall be in perpetuity and shall restrict the use of the land within the setbacks.”

Monitoring for Mitigation Measure 5.a.1: This measure will be monitored by the Mariposa County Surveyor and the Mariposa County Planning Department through the final map filing process.

Mitigation Measure 5.a.2

A historic preservation setback running the full length of and for five (5) feet on both sides of the rock wall on the project site shall be shown on the final map. The Mariposa County Planning Director shall approve the location of the setback prior to the filing of the final map. A statement shall be recorded in Official Records concurrently with the final map and shall be referenced on the final map as follows:

“The historic rock wall located on Lots 22 and 23, as shown on the final map filed in Book of Maps at Page _____, Mariposa County Records, is surrounded by an historic preservation setback of five (5) on both sides of the wall and the wall shall not be altered, disturbed, removed or destroyed, with the following exception, without the review and approval of the Mariposa County Board of Supervisors.

The existing opening in the wall on Lot 23 shall be allowed to be expanded up to 20 feet in width to allow for access to the lot providing the terminations of the rock wall at either side of the opening are properly stabilized to maintain the integrity of the remaining wall.”

(Should lots be merged and/or the subdivision map modified from the current configuration, the mitigation language relating to lot numbers shall be changed to reflect the modification.)

Monitoring for Mitigation Measure 5.a.2: This measure will be monitored by the Mariposa County Surveyor and the Mariposa County Planning Department through the final map filing process.

Mitigation Measure 5.c.1:

In the event human remains, artifacts, or potentially significant cultural resources are discovered during ground disturbance on the project site, a Native American monitor shall be on-site for the duration of ground disturbance. During road grading, soil testing and/or construction, or any activity that involves ground disturbance necessary to implement project conditions of approval, if any signs of prehistoric, historic, archaeological, paleontological resources are evident, all work activity within fifty (50) feet of the find shall stop and the Mariposa County Planning Department shall be notified immediately. No work shall be done within fifty (50) feet of the find until Planning has identified appropriate measures to protect the find and those measures have been implemented by the applicant. Protection measures for the site may include, but not be limited to, requiring the applicant to hire a qualified archaeologist who shall conduct necessary inspections and research, and who may supervise all further ground disturbance activities and make any such recommendations as necessary to ensure compliance with applicable regulations. In addition to the Planning Department, the Mariposa County Coroner and the Native American Heritage Commission shall be notified should human remains be discovered. If the remains are determined by the Native American Heritage Commission to be Native American, the

NAHC guidelines shall be adhered to in treatment and disposition of the remains. Representatives of the Most Likely Descendant shall be requested to be on-site during disturbance and/or removal of human remains.

Monitoring for Mitigation Measure 5.c.1: The applicant or his on-site designee shall be responsible for ensuring compliance with this mitigation and the Mariposa County Planning Department will monitor the measure through the project construction permitting process.

HYDROLOGY AND WATER QUALITY

Mitigation Measure 10.c.1

Prior to the issuance of a grading permit for the project, the project applicant shall submit engineered drainage plans to the California Department of Transportation for review to ensure that all CalTrans requirements regarding drainage from the project site are addressed. The drainage plans shall be prepared to CalTrans standards. The plans shall show how any runoff into State drainage facilities from the site is to be treated to meet current stormwater quality standards. If flows into State drainage facilities will not be increased by the project, the project shall provide CalTrans with information utilized to arrive at that conclusion. Verification of CalTrans review and approval of the drainage plans shall be provided to the Mariposa County Planning and Public Works departments prior to the issuance of a grading permit for the project. The Planning Director may waive this requirement if evidence is provided to show that drainage does not flow into the State right-of-way of Highway 140.

Monitoring for Mitigation Measure 10.c.1: This measure will be monitored by the Mariposa County Planning and Public Works departments through the project construction permitting process.

Mitigation Measure 10.d.1

A document shall be recorded and referenced on the final map stating the following:

“The owner of Lot 21 as shown on the final map filed in Book of Maps at Page _____, Mariposa County Records is responsible for maintenance of the earthen dam located on this lot. The dam shall be maintained in a manner that prevents, to the maximum extent feasible, failure of the dam that could result in impacts to persons or property downstream of the dam. The lot owner is encouraged to enlist the services of a qualified registered civil engineer to inspect the dam on a periodic basis to ensure dam safety.”

(Should lots be merged and/or the subdivision map modified from the current configuration, the mitigation language relating to the lot number shall be changed to reflect the modification.)

Monitoring for Mitigation Measure 10.d.1: This measure will be monitored by the Mariposa County Surveyor and the Mariposa County Planning Department through the final map filing process.

LAND USE AND PLANNING

MITIGATION MEASURE 11.b.1

Two copies and a digital version of the final map for the project delineating all required setbacks (including from Owens Creek, wetland features and ephemeral drainages), sewage reserve areas as approved by the Environmental Health Unit, and approximate location of slopes greater than 15% for all lots zoned for residential development shall be submitted to the Planning Department. A statement shall be recorded in Official Records concurrently with the final map, referenced on the final map or

shall be included on an additional map sheet which indicates its relationship to the final map. The statement shall be made applicable to all parcels in the development. The statement shall be as follows:

“This notice is not intended to affect record title interest. The General Plan and Catheys Valley Community Plan establish design review objectives and policies for existing and future residential parcels with slopes in excess of 15%. Pending adoption of specific zoning regulations, all building permits for lots with slopes in excess of 15% shall be reviewed pursuant to the hillside development standards established for the Mariposa Town Planning Area pursuant to Section 17.336.040.A-C. of Mariposa County Code; Sections 17.336.040.A-C standards shall apply to future building and grading permits on the residential lots until such time as specific standards for the Catheys Valley Community Plan are developed and adopted for hillside and ridge top development, upon which time those standards shall apply. Building and site work on the residential lots on areas which are less than 15% grade shall be exempt from the standards. A map delineating all required setbacks (from Owens Creek and ephemeral drainages), sewage reserve areas as approved by the Environmental Health Unit, and the approximate location of slopes greater than 15% in on file with the Planning Department in Major Subdivision No. 2009-052’s application file.”

Monitoring for Mitigation Measure 11.b.1: This mitigation measure will be monitored by the Mariposa County Surveyor and the Mariposa County Planning Department through the final map filing process. This mitigation measure will be monitored by the Mariposa County Planning Department for review of future residential building permits on these parcels.



MARIPOSA PLANNING

COUNTY OF MARIPOSA

5100 BULLION STREET • POST OFFICE BOX 2039

MARIPOSA, CALIFORNIA 95338-2039

PHONE 209 . 966 . 5151 • FAX 209 . 742 . 5024

APPLICANT'S AGREEMENT TO MITIGATION

Project title: Major Subdivision No. 2009-052; JCS Capital Resources

Project Applicant: JCS Capital Resources, a Nevada Limited Liability Company
13131 Diericx Dr
Mountain View, CA 94040

The project applicant, JCS Capital Resources, a Nevada Limited Liability Company, agrees to the following mitigation measures as required by Section 15070(b)(1) of the CEQA Guidelines and project plans will be modified to avoid potential adverse physical effects of the project as identified in this study:

BIOLOGICAL RESOURCES

Mitigation Measure 4.a.1

Prior to commencement of construction or grading activities on the project site that is necessary to implement project conditions of approval relating to easement road construction, a qualified biologist shall conduct a pre-construction survey of the project site to determine if special-status species are located in those areas proposed for road improvement. The survey shall be conducted within 30 days of the initiation of construction or grading activities. Should special-status species be discovered during the survey, the project applicant shall comply with all protocols mandated by the qualified consultant in consultation with applicable resource agencies to protect these species. The Planning Department shall be provided a copy of the results of any survey conducted and evidence that any required mitigation measures have been implemented prior to initiation of construction or grading activities.

Monitoring for Mitigation Measure 4.a.1:

This mitigation measure will be monitored by the Mariposa County Planning Department through the project construction permitting process.

Mitigation Measure 4.b.1

Prior to commencement of construction of any easement road improvements, road construction, or other easement road building activities required as a condition of approval for the project, which has the potential to impact the wetland features associated with the Open Water pond and the ephemeral drainages, the project applicant shall obtain any required permitting pursuant to Section 404 of the Clean Water Act from the United States Army Corps of Engineers and, if such permitting is required, a Section 401 Water Quality Certification from the Regional Water Quality Control Board – Central Valley Region. The project proponent shall provide a copy of the permit and certification to the Mariposa County Public Works Department prior to the onsite consultation meeting required as a condition of approval for the project. If such permitting is required all provisions of the Section 404 permit and Section 401 water quality certification shall be completed prior to the filing of the final map. The applicant shall submit

to the County Surveyor evidence that all permit and certification requirements have been met to the satisfaction of applicable agencies.

Monitoring for Mitigation Measure 4.b.1: This mitigation measure will be monitored by the Mariposa County Surveyor and the Mariposa County Planning Department through the project construction process.

Mitigation Measure 4.b.2

The final map shall show the wetland features within Owens Creek, the eastern drainage, western drainage, and pond inflow and outflow. An open space setback of twenty-five (25) feet from the edge of the seasonal wetlands and pond, and twenty-five (25) feet from the centerline of Owens Creek and the eastern and western ephemeral drainages located on the project site as shown on the tentative map, which is designed to protect any special status wildlife, wetland features and species, oak woodland habitat and any sensitive habitat that may potentially occur, shall be shown on the final map. The setback area shall exclude the proposed road crossings. A statement shall be recorded in Official Records concurrently with the final map and referenced on the final map or shall be included on an additional map sheet which indicates its relationship to the final map. The statement shall be as follows:

"This notice is not intended to affect record title interest. There are open space setbacks on Lots 3, 5, 6, 7, 8, 12, 14 15, 16, 19, 20, 21, 24, and 27 as shown on the Final Map for JCS Capital Resources filed in the Book of Maps _____ at Page _____, Mariposa County Records. The setback is twenty-five (25) feet from the edge of the seasonal wetlands and pond, and 25 feet from the centerline of Owens Creek and from the centerline of the ephemeral drainages. No structure or improvement shall be constructed within the open space setback except as provided below. A well or wells, water pipes, underground and above ground power lines, fencing and other similar structures or improvements may be constructed within the open space setback subject to approval by the Planning Director. Consultation with a qualified biological consultant, whose services shall be paid for by the property owner, may be required by the Planning Director in order to make a determination. No removal of vegetation (except noxious weeds identified by the United States Department of Agriculture, the California Department of Food and Agriculture, and/or the Mariposa County Agricultural Commissioner) shall be allowed within the open space setback, except as determined necessary by CAL FIRE, and except as needed to implement the uses described in this and the following paragraph. No grading shall be allowed within the setback, except as needed to implement the uses described in this and the following paragraph.

Prior to any grading or construction activities occurring within this setback area, the owner of said lots shall contact the California Department of Fish and Wildlife to determine if a State Fish and Game Code Section 1602 Streambed Alteration Notification is required. If required, the owner shall submit the notification and comply with all applicable requirements of Section 1600 et seq. of the State Fish and Game Code.

Depending upon the location and nature of the construction, grading, or disturbance within the setback area, the parcel owner may be required to obtain from the Army Corps of Engineers permitting under Section 404 of the Clean Water Act. This agency shall be contacted prior to initiation of any disturbance to the setback area. If a Section 404 permit is required, a Section 401 Water Quality Certification from the State Regional Water Quality Control Board shall also be required".

Monitoring for Mitigation Measure 4.b.2: This mitigation measure will be monitored by the Mariposa County Surveyor and the Mariposa County Planning Department through the final map filing process.

Mitigation Measure 4.d.1

Prior to commencement of construction or grading activities on the project site that is necessary to implement project conditions of approval relating to easement road construction, between February 1st and August 3, a qualified biologist shall conduct a pre-construction survey of the project site to determine if nesting raptors are extant in those areas proposed for construction or grading activities. The survey shall be conducted within 30 days of the initiation of construction or grading activities. Should nesting raptors be discovered during the survey, the project applicant shall comply with all protocols mandated by the qualified consultant in consultation with applicable resource agencies to protect nesting raptors. The Planning Department shall be provided a copy of the results of any survey conducted and evidence that any required mitigation measures have been implemented prior to initiation of construction or grading activities.

Monitoring for Mitigation Measure 4.d.1:

This mitigation measure will be monitored by the Mariposa County Planning Department through the project construction permitting process.

CULTURAL RESOURCES

Mitigation Measure 5.a.1

Open space setbacks of 10 feet from the perimeter of bedrock milling stations as identified in the Cultural Resource Survey prepared for the project site dated January 2002 shall be established and shown on the final map for the project. A document shall be recorded and referenced on the final map stating the following:

“No structure shall be constructed within the open space setbacks as shown on the final map filed in Book of Maps at Page _____, Mariposa County Records. No portions of a sewage disposal system shall be constructed within the open space setbacks. No grading shall be allowed within the setback. The setbacks shall be in perpetuity and shall restrict the use of the land within the setbacks.”

Monitoring for Mitigation Measure 5.a.1: This measure will be monitored by the Mariposa County Surveyor and the Mariposa County Planning Department through the final map filing process.

Mitigation Measure 5.a.2

A historic preservation setback running the full length of and for five (5) feet on both sides of the rock wall on the project site shall be shown on the final map. The Mariposa County Planning Director shall approve the location of the setback prior to the filing of the final map. A statement shall be recorded in Official Records concurrently with the final map and shall be referenced on the final map as follows:

“The historic rock wall located on Lots 22 and 23, as shown on the final map filed in Book of Maps at Page _____, Mariposa County Records, is surrounded by an historic preservation setback of five (5) on both sides of the wall and the wall shall not be altered, disturbed,

removed or destroyed, with the following exception, without the review and approval of the Mariposa County Board of Supervisors.

The existing opening in the wall on Lot 23 shall be allowed to be expanded up to 20 feet in width to allow for access to the lot providing the terminations of the rock wall at either side of the opening are properly stabilized to maintain the integrity of the remaining wall."

(Should lots be merged and/or the subdivision map modified from the current configuration, the mitigation language relating to lot numbers shall be changed to reflect the modification.)

Monitoring for Mitigation Measure 5.a.2: This measure will be monitored by the Mariposa County Surveyor and the Mariposa County Planning Department through the final map filing process.

Mitigation Measure 5.c.1:

In the event human remains, artifacts, or potentially significant cultural resources are discovered during ground disturbance on the project site, a Native American monitor shall be on-site for the duration of ground disturbance. During road grading, soil testing and/or construction, or any activity that involves ground disturbance necessary to implement project conditions of approval, if any signs of prehistoric, historic, archaeological, paleontological resources are evident, all work activity within fifty (50) feet of the find shall stop and the Mariposa County Planning Department shall be notified immediately. No work shall be done within fifty (50) feet of the find until Planning has identified appropriate measures to protect the find and those measures have been implemented by the applicant. Protection measures for the site may include, but not be limited to, requiring the applicant to hire a qualified archaeologist who shall conduct necessary inspections and research, and who may supervise all further ground disturbance activities and make any such recommendations as necessary to ensure compliance with applicable regulations. In addition to the Planning Department, the Mariposa County Coroner and the Native American Heritage Commission shall be notified should human remains be discovered. If the remains are determined by the Native American Heritage Commission to be Native American, the NAHC guidelines shall be adhered to in treatment and disposition of the remains. Representatives of the Most Likely Descendant shall be requested to be on-site during disturbance and/or removal of human remains.

Monitoring for Mitigation Measure 5.c.1: The applicant or his on-site designee shall be responsible for ensuring compliance with this mitigation and the Mariposa County Planning Department will monitor the measure through the project construction permitting process.

HYDROLOGY AND WATER QUALITY

Mitigation Measure 10.c.1

Prior to the issuance of a grading permit for the project, the project applicant shall submit engineered drainage plans to the California Department of Transportation for review to ensure that all CalTrans requirements regarding drainage from the project site are addressed. The drainage plans shall be prepared to CalTrans standards. The plans shall show how any runoff into State drainage facilities from the site is to be treated to meet current stormwater quality standards. If flows into State drainage facilities will not be increased by the project, the project shall provide CalTrans with information utilized to arrive at that conclusion. Verification of CalTrans review and approval of the drainage plans shall be provided to the Mariposa County Planning and Public Works departments prior to the issuance of a grading permit for the

project. The Planning Director may waive this requirement if evidence is provided to show that drainage does not flow into the State right-of-way of Highway 140.

Monitoring for Mitigation Measure 10.c.1: This measure will be monitored by the Mariposa County Planning and Public Works departments through the project construction permitting process.

Mitigation Measure 10.d.1

A document shall be recorded and referenced on the final map stating the following:

"The owner of Lot 21 as shown on the final map filed in Book of Maps at Page _____, Mariposa County Records is responsible for maintenance of the earthen dam located on this lot. The dam shall be maintained in a manner that prevents, to the maximum extent feasible, failure of the dam that could result in impacts to persons or property downstream of the dam. The lot owner is encouraged to enlist the services of a qualified registered civil engineer to inspect the dam on a periodic basis to ensure dam safety."

(Should lots be merged and/or the subdivision map modified from the current configuration, the mitigation language relating to the lot number shall be changed to reflect the modification.)

Monitoring for Mitigation Measure 10.d.1: This measure will be monitored by the Mariposa County Surveyor and the Mariposa County Planning Department through the final map filing process.

LAND USE AND PLANNING

MITIGATION MEASURE 11.b.1

Two copies and a digital version of the final map for the project delineating all required setbacks (including from Owens Creek, wetland features and ephemeral drainages), sewage reserve areas as approved by the Environmental Health Unit, and approximate location of slopes greater than 15% for all lots zoned for residential development shall be submitted to the Planning Department. A statement shall be recorded in Official Records concurrently with the final map, referenced on the final map or shall be included on an additional map sheet which indicates its relationship to the final map. The statement shall be made applicable to all parcels in the development. The statement shall be as follows:

"This notice is not intended to affect record title interest. The General Plan and Catheys Valley Community Plan establish design review objectives and policies for existing and future residential parcels with slopes in excess of 15%. Pending adoption of specific zoning regulations, all building permits for lots with slopes in excess of 15% shall be reviewed pursuant to the hillside development standards established for the Mariposa Town Planning Area pursuant to Section 17.336.040.A-C. of Mariposa County Code; Sections 17.336.040.A-C standards shall apply to future building and grading permits on the residential lots until such time as specific standards for the Catheys Valley Community Plan are developed and adopted for hillside and ridge top development, upon which time those standards shall apply. Building and site work on the residential lots on areas which are less than 15% grade shall be exempt from the standards. A map delineating all required setbacks (from Owens Creek and ephemeral drainages), sewage reserve areas as approved by the Environmental Health Unit, and the approximate location of slopes greater than 15% in on file with the Planning Department in Major Subdivision No. 2009-052's application file."

Monitoring for Mitigation Measure 11.b.1: This mitigation measure will be monitored by the Mariposa County Surveyor and the Mariposa County Planning Department through the final map filing process. This mitigation measure will be monitored by the Mariposa County Planning Department for review of future residential building permits on these parcels.

By:



William R. Stuart, Manager
JCS Capital Resources, a Nevada
Limited Liability Company

Date:

4/14/2021

MARIPOSA COUNTY

(Draft) MITIGATED NEGATIVE DECLARATION

(Pursuant to California Administrative Code, Section 15070)

APPLICANT/APPLICATION: *Major Subdivision No. 2009-052*
JCS Capital Resources, LLC; applicant

PROJECT DESCRIPTION: Subdivision creating 27 lots ranging in size from 2.61 acres gross (2.50 acres net) to 16.87 acres. The total acreage of the project site is 114.84 acres. The proposed lots are located within a residential land use classification and will be available for residential uses.

Access to the project is from an extension of Hornitos Road (south of Highway 140) into the project site. Hornitos Road at State Highway 140 is improved with a left turn lane. The extension of Hornitos Road on-site is via a 60-foot-wide non-exclusive easement offered for dedication. This easement connects to Guenthart Way at the northeast corner of the project site, which also connects to State Highway 140 at an existing CalTrans encroachment, recently improved through the encroachment permit process for another land division. The applicant proposes a “gate to Cal Fire specifications” at the intersection of the project site access road and Guenthart Way, and this access to State Highway 140 is shown as an access to be used for “emergency access purposes”. Four additional on-site 50-foot-wide non-exclusive cul-de-sac easements created for use and benefit of the subject lots are proposed for access within the project site. There is an existing ranch road on-site, which is the proposed main access road alignment for only a small portion of the route. There is an existing highway access encroachment (off proposed Lot 12), which is not proposed for access to the project site.

The project site is located at 2748 Highway 140, Catheys Valley and is known as APN 016-110-049. It is in Sections 3 and 10, in Township 6 South, Range 17 East, MDBM. It is in the USGS 7.5-minute Catheys Valley topographic quadrangle.

No significant effect is based on the following findings:

1. The project has the potential to significantly impact biological resources, potential jurisdictional Waters of the U.S. and wetlands in the form of Owens Creek, the seasonal wetland corridor associated with the culvert directed runoff from Highway 140 and ephemeral drainages and wetland features associated with the open water pond and drainages. The project also has the potential to impact nesting raptors and special-status species. Mitigation measures are proposed to reduce these potentially significant impacts to less than significant levels. The project has the potential to impact cultural resources. These resources are bedrock milling stations and historic rock walls. Mitigation measures are proposed to reduce these potentially significant impacts to less than significant levels.
2. The project will result in increased air emissions, groundwater use, noise, traffic and demand for public services. However, these impacts are not considered to be significant, are individually limited, and not cumulatively considerable. The project’s potential impacts on on-site biological resources can be reduced to less than significant levels with the implementation of proposed mitigation measures. Off-site resources are also protected through these measures. Therefore, the potential cumulative impact on biological resources from project implementation is considered to be less than significant. The project has the potential to impact State drainage facilities associated with Highway 140. Mitigation is proposed to reduce this potentially significant impact to a less than significant level.
3. There is the potential for the failure of an earthen dam on the site to fail and impact persons and property downstream. Mitigation is proposed to reduce this potentially significant impact to a less than significant level.

Based upon the environmental review conducted within this Initial Study, and the anticipated level of impact as a result of the project, a mitigated negative declaration will be adopted for the project.

Attachment: Mitigated Negative Declaration (2021-PCRES-14 : Major Subdivision No. 2009-052; JCS Capital Resources)

No significant effect is based on review procedures of the following County Departments or Divisions:

☐ Building Division ☒ County Health Department
☒ Planning Commission ☒ Public Works Department

Other: Mariposa County Unified School District, CAL FIRE, Sierra Telephone, Mariposa County Fire Department, Mariposa County Assessor, California Department of Fish and Wildlife, Southern Sierra Miwok Nation, Mariposa County Agricultural Commissioner, Mariposa County Resource Conservation District, Sheriff's Department, John C. Fremont Hospital, and Pacific Gas & Electric.

No significant effect is based on additional conditions as follows:

DRAFT

Initial Study was prepared by Alvaro Arias, Deputy Director, and is on file at Mariposa County Planning Department, 5100 Bullion Street, Mariposa, California 95338

Sarah Williams, Director
Mariposa Planning

Date

CONDITIONS & MITIGATION MEASURES

1. *Insert as approved by the Planning Commission*

The following list of reports are a part of the Staff Report and Initial Study. They can be accessed by going to the following web link: <http://www.mariposacounty.org/index.aspx?nid=1129> or by clicking on the links below:

- [Moore Biological Resources Inventory April 2009](#)
- [ESR Biological Assessment June 2015](#)
- [ESR Biological Assessment June 2019](#)
- [Preliminary Sewage Feasibility April 2009](#)
- [Preliminary Sewage Feasibility Maps April 2009](#)
- [HerSchy Well Testing and Water Supply Assessment June 2020](#)
- [See's Consulting Preliminary Soils Investigation February 2009](#)

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

**STATE OF CALIFORNIA
 COUNTY OF MARIPOSA
 PLANNING COMMISSION**

Resolution

No. 2021-____

A resolution approving Major Subdivision No. 2009-052, JCS Capital Resources, applicant. Assessor's Parcel Number 016-110-049.

WHEREAS, an application for a Parcel Merger and a Major Subdivision was received on April 9, 2009 from JCS Capital Resources for a property located at 2748 Highway 140 in Catheys Valley, also known as Assessor's Parcel Number 016-110-049; and

WHEREAS, the major subdivision proposes to subdivide approximately 114.84 acres into 27 lots ranging in size from 2.50 acres (net) to 16.87 acres (gross); and

WHEREAS, several revised tentative maps were submitted revising the project; and

WHEREAS, several reports and addendums were submitted to assist in the environmental review of the project; and

WHEREAS, an Initial Study and Draft Mitigated Negative Declaration was prepared pursuant to the California Environmental Quality Act; and

WHEREAS, the Initial Study and Draft Mitigated Negative Declaration were made available for public review from April 27, 2021 to May 26, 2021; and

WHEREAS, a duly noticed Catheys Valley Planning Advisory Committee meeting was scheduled for the 22nd day of July 2021; and

WHEREAS, the Catheys Valley Planning Advisory Committee did hold the meeting on the noticed date and considered all of the information in the public record, including the Initial Study and Staff Report, testimony presented by the public concerning the application, and the comments of the applicant; and

WHEREAS, the Catheys Valley Planning Advisory Committee voted to recommend approval of the application to the Planning Commission; and

WHEREAS, a duly noticed Planning Commission public hearing was scheduled for the 24th day of September 2021; and

WHEREAS, a Staff Report and revised Initial Study were prepared pursuant to the California Government Code, Mariposa County Code, California Environmental Quality Act, and local administrative procedures; and

Attachment: Draft Planning Commission Resolution [Revision 2] (2021-PCRES-14 : Major Subdivision No. 2009-052; JCS Capital Resources)

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 adopt a Mitigated Negative Declaration.

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby approve Major Subdivision No. 2009-052.

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

ON MOTION BY Commissioner _____, seconded by Commissioner _____, this resolution is duly passed and adopted this 24th day of September 2021 by the following vote:

AYES:

NOES:

EXCUSED:

ABSTAIN:

Edward Walls, Chair
 Mariposa County Planning Commission

Attest:

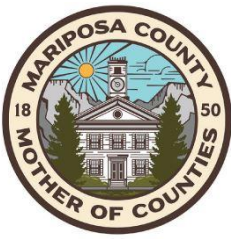
Jil Chiesa, Secretary to the
 Mariposa County Planning Commission

EXHIBIT 1
PROJECT FINDINGS
FOR
MAJOR SUBDIVISION NO. 2009-052

Insert findings as adopted by the Planning Commission

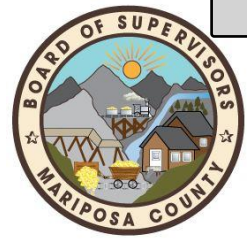
EXHIBIT 2
CONDITIONS OF APPROVAL
FOR
MAJOR SUBDIVISION NO. 2009-052

Insert conditions and mitigation measures as adopted by the Planning Commission



MARIPOSA COUNTY

Planning • 209-966-5151



5.B

MEETING: September 24, 2021

TO: The Mariposa County Planning Commission

FROM: Sarah Williams, Planning Director

RE: Variance Application No. 2021-055

PUBLIC HEARING: Resolution Approving Variance Application No. 2021-055 with findings and conditions, including a finding that the project is exempt from environmental review; Blessed Hope Wolf, applicant. Project is located at 7178 Yosemite Park Way, Yosemite West APN 006-080-0040.

Recommended action would approve a variance from the required 55-foot minimum setback distance from the centerline of the public right-of-way (Yosemite Park Way) in order to locate a residence 48 feet from the centerline of the public right-of-way.

See Staff Report for additional information and justification.
See attachment.

ATTACHMENTS:

Staff Report (DOC)

Resolution (DOC)

Attachment A- Site Plan (PDF)

Notice of Exemption (DOC)

Power Point Presentation (PDF)

RESULT: ADOPTED [UNANIMOUS]

MOVER: John McCamman, District V Planning Commissioner

SECONDER: Deni Smith, District IV Planning Commissioner

AYES: Walls, Wilmeth, Herman, Smith, McCamman



MARIPOSA PLANNING STAFF REPORT

From: Sarah Williams, Planning Director

Prepared By: Steve Engfer, Senior Planner

Planning Commission Meeting Date: September 24, 2021

Project: Variance Application No. 2021-055

Proposal: The variance is a request for reduction of the required minimum front yard setbacks from centerline of right-of-way.

Owner: Blessed Hope Wolf

Project Address: 7178 Yosemite Park Way, Yosemite West CA

Project Parcel: APN 006-090-0040

Location: Supervisorial District I

Existing Zoning: Rural Residential

General Plan: Residential in the Yosemite West Planning Study Area

Noticing: Gazette Ad: September 9, 2021
Mailed Notice: August 31, 2021
Posted Notice: August 31, 2021

COMMISSION

ACTION: Staff recommends the Planning Commission adopt a resolution:

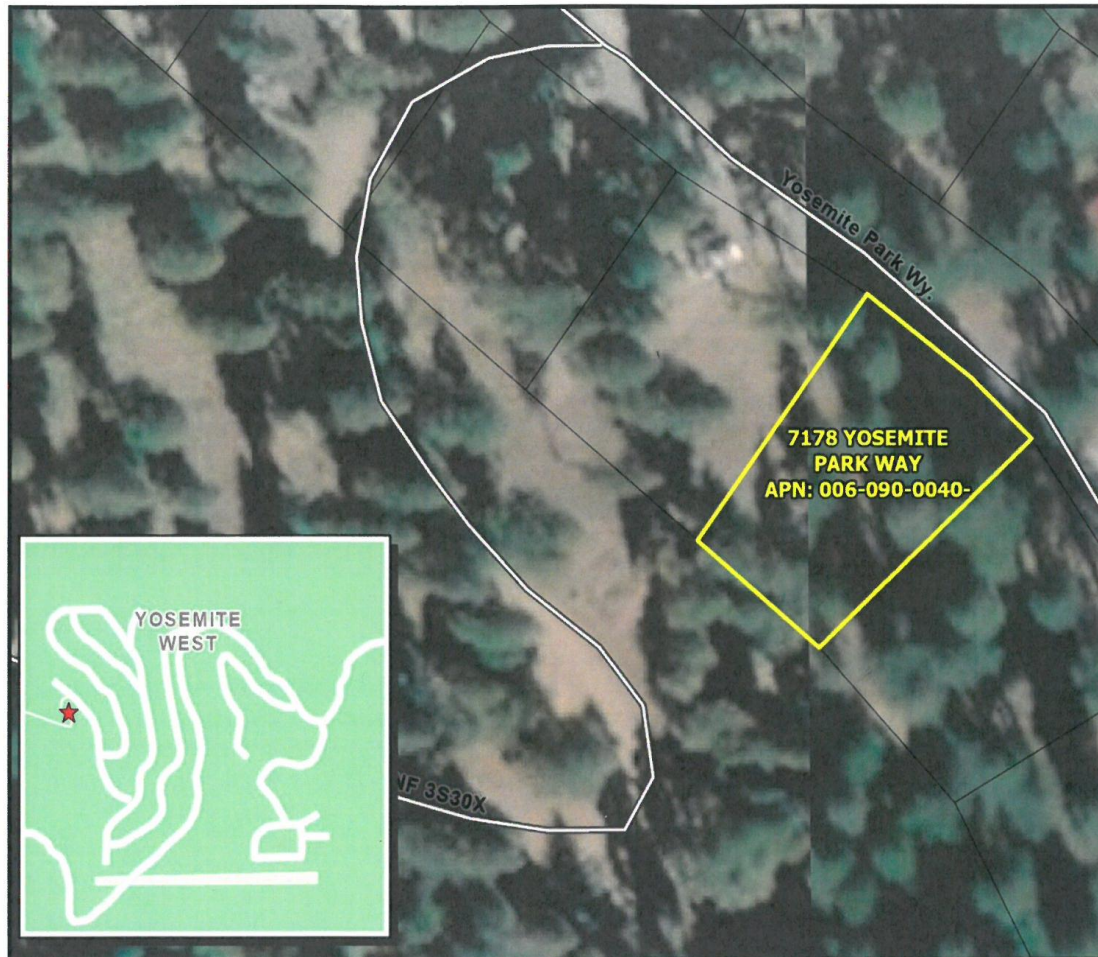
- a) Finding that the project is exempt from environmental review, and
- b) Approving Variance No. 2021-055 with the recommended findings and conditions

STAFF SUMMARY ANALYSIS & RECOMMENDATION:

The proposed variance is a request for a 7-foot reduction of the minimum public street and front yard setback required by Mariposa County Zoning Ordinance §17.108.130 Structure Location. Specifically, the variance requests, a reduction of the required 55-feet from the center line of the Yosemite Park Way right-of-way (ROW) to allow for 48-feet. (The front property line setback of 25 feet would be met.) Approval of the Variance would allow for the residence to be within the 55 feet from the centerline setback requirement at 48-feet.

Variance Application No. 2021-055; Blessed Hope Wolf, applicant
 Planning Commission Hearing of September 24, 2021
 Page 2 of 9

Mariposa County Planning Department Project Vicinity Map



0 25 50 Feet
 1:735

PROJECT TYPE: Variance 2021-055

APPLICANT/OWNER: Blessed Hope Wolf

SITE ADDRESS: 7178 Yosemite Park Way, Yosemite West

APN: 006-090-0040

Coordinate System: NAD 1983 State Plane California III FIPS 0403 Feet

Date: Tuesday, April 13, 2021

Data Source: Mariposa County Planning Department GIS

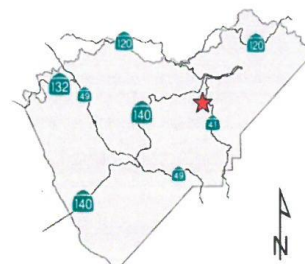
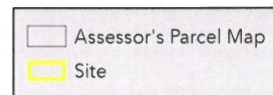
Assessor's Parcel Map Update: 7/2020

Map Credit: J.W.



Mariposa County Planning Department
 PO BOX 2039 5100 Bullion Street
 Mariposa, California 95338-2039
 209.966.5151 FAX 209.742.5024
mariposaplanning@mariposacounty.org
<http://www.mariposacounty.org/planning>

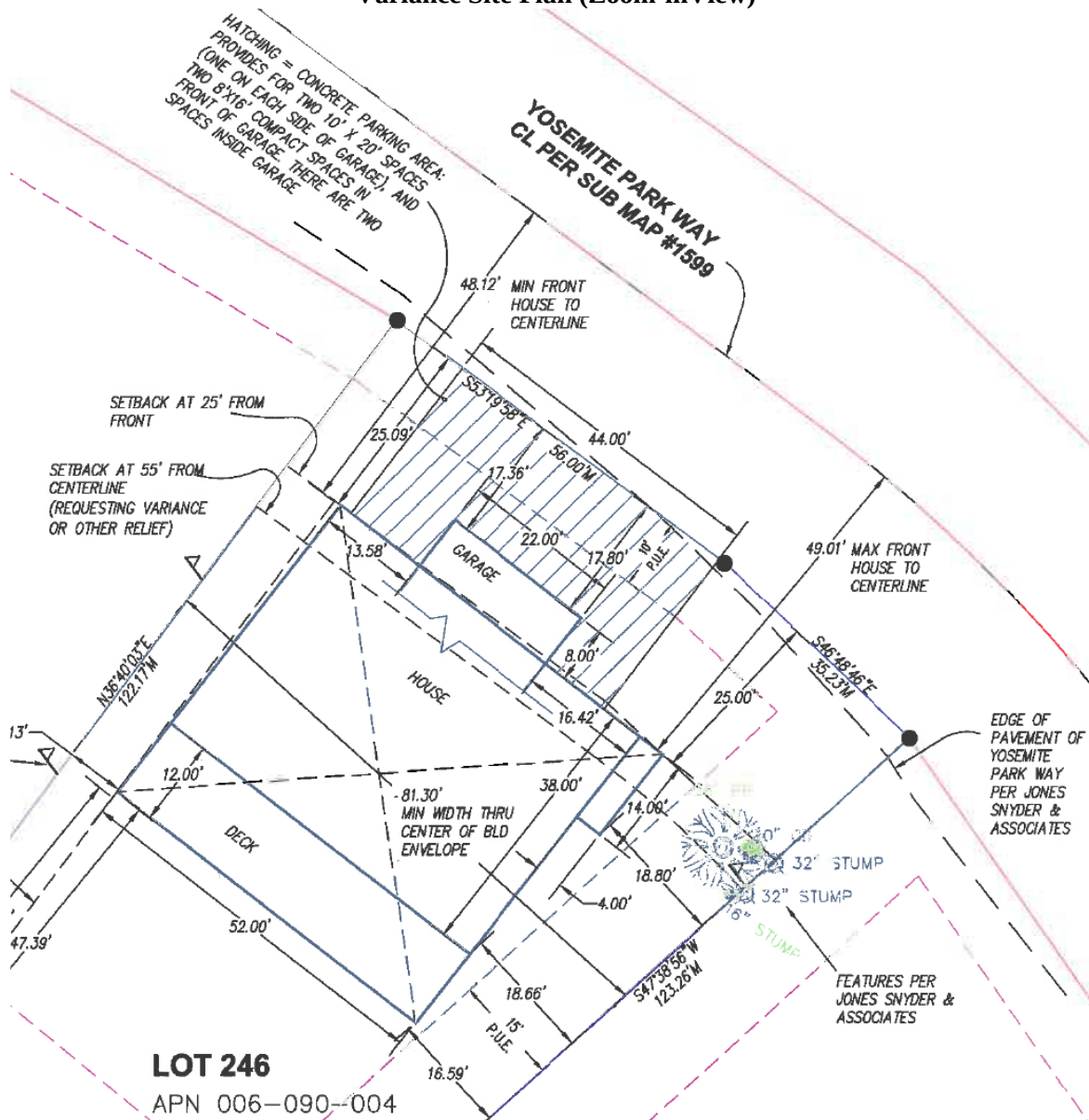
Mariposa County makes no warranty regarding the accuracy of the GIS or the analysis and conclusions resulting from using our GIS data.



Location in Mariposa County

Attachment: Staff Report [Revision 1] (2021-PCRES-15 : Variance Application No. 2021-055)

Variance Site Plan (Zoom-in View)



Variance Application No. 2021-055; Blessed Hope Wolf, applicant
Planning Commission Hearing of September 24, 2021
Page 5 of 9

Exhibit Project Site Proximity to Indian Creek



Attachment: Staff Report [Revision 1] (2021-PCRES-15 : Variance Application No. 2021-055)

Project Analysis for Variance No. 2021-055

A. Description of Project

The project request is a variance from the required roadway centerline setback requirements specified in County Code §17.108.130. A. The following is the code section excerpt:

§17.108.130 Structure location:

- A. Public street and front yard setback: The front yard setback shall be a minimum of twenty-five (25) feet from the nearest point on the front property line or edge of any public street, public easement, or easement or right-of-way offered for dedication, and a minimum of fifty-five (55) feet from the center line of said street, easement or right-of-way.

B. Background

Current Land

Use: Undeveloped.

Parcel History:

Lot 246 of Yosemite West Unit 1 on File in Book of Maps at Page 1511, M.C.R.

Adjacent Land

Uses: North: Rural Residential; undeveloped
 South: General Forest, Rural Residential; developed
 East: Rural Residential; developed
 West: General Forest; undeveloped

Site Topography

And Vegetation: Steep downward slope (approximately 22%), forested. The parcel is 9,803 sq. ft. (0.225 acres) in size. The site is on the downhill side of Yosemite Park Way.

C. Basis for Application

Variance requests are allowed pursuant to the standards and process contained in Chapter 17.120 of the Mariposa County Code, Zoning. The front property line of the lot is located nearer to the adjacent street pavement than are other lots along Yosemite Park Way and other streets in Yosemite West. The pavement of Yosemite Park Way extends into Lot 246 by up to 2.5 feet along the northeast portion of the property. The variance application request to place a residential structure within the right-of-way centerline setback is based on the constraints imposed on developing the lot due to the proximity of the centerline of Yosemite Park Way to the front property line. Placing the residence within the centerline setback would provide the following benefits when the lot is developed:

- Due to the tangent curvatures and segments of Yosemite Park Way fronting the lot, as well as actual road pavement being located on the lot, which makes taking clear measurements difficult, placing the residence 25 feet from the front property line will

allow accurate measurements from the clearly exposed official surveyor pipes, pins and monuments of the property line for future surveying, inspection, engineering and construction when complying with setback requirements is needed.

- Allow more area on the rear portion of the lot to slow and disperse storm water flow from a culvert underneath Yosemite Park Way that drains water onto the lot thereby reducing potential sediment into the nearby tributary of Indian Creek (blue-line year-round creek within 400 feet of the rear property line.) Variance will allow more area on the parcel for sediment reduction.
- Likewise, decrease potential flooding to the future residence from surface water drainage without altering the runoff.
- Continuity of house placement in the neighborhood. (Neighbor's residence is 22 feet from the front property line.)
- Facilitate placing the residence in alignment with the neighbor's residence thereby potentially protecting the neighbor's backyard privacy and view.
- Allow more flexibility in building area due to existing 15-foot-wide utility easements that run along one side property line and the rear property line.
- Provide the ability for the residence to accommodate wheelchair access.

According to the project applicant, the strict application of the centerline setback would place the future residential structure closer to the rear property line, would result in building site location that could exacerbate flooding, and increase runoff and sedimentation of the tributary of Indian Creek nearby the project site. By building closer to the road, more land would be available downhill and behind the home to improve environmental conditions.

If the variance is granted, distances to the proposed dwelling from the centerline of Yosemite Park Way would be more comparable to those enjoyed by other residences in the area. The following "Structure Location Table" and the site plan above provide a description and visual depiction of the situation including distances and dimensions that demonstrate the exceptional circumstances applicable to the parcel.

As shown above in the text for §17.108.130(A), structures are required to be located twenty-five (25) feet from the nearest point on the front property line or edge of any public street, public easement, or easement or right-of-way offered for dedication. According to the submitted site plan, the proposed residence would be exactly 25 feet from the front property line and no variance is required or sought for that aspect of site development.

Section 17.108.130(D)(3) of code states:

3. Garages, carports, sheltered parking, and covered walkways may be constructed in front yard areas providing:
 - a) The subject site is above four thousand (4,000) feet in elevation;
 - b) Carports shall have no enclosing walls higher than three (3) above ground level;
 - c) Garages may be considered providing sight distance standards are satisfied, and the location is approved by the road division of the public works department. A variance to these standards shall not be approved;

- d) The structure is located no closer than five (5) feet from the property line or the edge of the street easement or right-of-way offered for dedication;
- e) The structure is for the exclusive use of the property owner or resident for the purpose of vehicular parking and/or pedestrian access.

The site plan for the variance application shows that the attached garage would be located within 17.36 feet of the front edge of the property line/edge of Yosemite Park Way ROW. A portion of the garage would extend out eight feet from the front of the residential structure. The garage would be enclosed but would be roughly 12 feet further back than the minimum standard of five (5) feet from the front property line/edge of ROW, as allowed at this elevation in the County. As mandated by Section 17.108.130(D)(3) above, the road division of the Public Works Department is the approval authority for the placement of a garage within the front yard area and the garage placement is not part of this variance application.

Table: Structure Location

STRUCTURE LOCATION TO:	CODE REQUIREMENT	PROPOSED SETBACK
FRONT PROPERTY LINE (Residence)	25 Feet	25 Feet
(Garage)	no closer than five (5) feet from the property line or the edge of the street easement or right-of-way offered for dedication;	Roughly 17 Feet (to be approved by Public Works)
CENTER LINE OF RIGHT-OF-WAY (Residence)	55 Feet	48 Feet (Residence)
(Garage)	no closer than five (5) feet from the property line or the edge of the street easement or right-of-way offered for dedication;	40 Feet (as approved by Public Works)

Staff notes that the need for a variance to setback standards is not unusual for many parcels in Yosemite West. The setback requirements in county code are established for all rural areas in the County, where parcels are typically much larger than those in Yosemite West and at lower elevations with less topographic challenges for development. (Attachment A- Site Plan)

D. Required Findings for Variances

Chapter 17.120 of the Mariposa County Zoning Ordinance requires that staff analyze the Variance application for compliance with the required findings. Staff analysis found that due to the circumstances of the property involved as described in the staff report that include the parcel configuration, topographical constraints, the variable width Yosemite Park Way ROW

and proximity to the constructed travel way of Yosemite Park Way, that all the required findings to support the requested variance could be made in accordance with Chapter 17.120.

Staff's recommended findings are in the attached Draft Resolution.

E. Conditions of Approval

Staff has included the necessary conditions of approval to ensure that the plans and build out of the proposed project do not exceed the allowances of the requested variance (if approved). Conditions include assurance for surveyed site plans, field survey staking (with field confirmation of structure location to property lines) and verification by the Building or Planning Department or both.

Staff's recommended conditions of approval are in the attached Draft Resolution.

As noted, the Road Division of the Public Works Department will be required to approve the location of the enclosed garage within the front yard setback area. That approval will occur at the building permit stage of site development.

F. Environmental Review

Variances are categorically exempt from the California Environmental Quality Act pursuant to Title 14, California Code of Regulations, Article 19 and CEQA Guidelines §15303(a).

The environmental review finding is in the attached Draft Resolution.

G. Agency Comments

Request for comments was sent to the following agency: Mariposa County Public Works Department.

H. Public Comments

As of the date of publication of this staff report, staff has received no formal written public comments.

A phone call was received by nearby property owner, Erica Baltodano. (APN 006-090-0180) 7185 Yosemite Park Way. She was requesting additional information and did not oppose the project.

**STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION**

Resolution

No. 2021-____

A resolution conditionally approving Variance Application No. 2021-055, Blessed Hope Wolf, Applicant; Assessor Parcel Number 006-090-0040.

WHEREAS, an application for Variance No. 2021-055 was received on the 7th day of April 2021 from Blessed Hope Wolf for a property located at 7178 Yosemite Parkway, Yosemite West, California, also known as Assessor Parcel Number 006-090-0040; and

WHEREAS, the variance proposes to reduce the front property line set back from the required fifty five (55) feet to forty-eight (48) feet from the center line of the Yosemite Park Way public right-of-way; 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 Planning Commission public hearing was scheduled for the 24th day of September 2021; and

WHEREAS, a Staff Report and Notice of Exemption 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, Notice of Exemption, Draft Resolution, public comment 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 find that the project is exempt from environmental review.

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby approve Variance Application No. 2021-055.

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

ON MOTION BY Commissioner _____, seconded by Commissioner _____, this resolution is duly passed and adopted this 24th day of September 2021 by the following vote:

Attachment: Resolution [Revision 1] (2021-PCRES-15 : Variance Application No. 2021-055)

AYES:

NOES:

EXCUSED:

ABSTAIN:

Ed Walls, Chair
Mariposa County Planning Commission

Attest:

Jil Chiesa, Secretary
Mariposa County Planning Commission

EXHIBIT 1
PROJECT FINDINGS FOR
Variance Application No. 2021-055

1. **FINDING (Exceptional Circumstances):** There are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, that do not apply generally to the property or class of use in the same zone or vicinity. (§17.120.050 A, Mariposa County Code)

EVIDENCE:

Residential structures (excluding the garage) are required to be 55 feet from the center line of the ROW (Yosemite Park Way). Unlike other properties in the Yosemite West subdivision, the right-of-way (ROW) fronting the project site is 50 feet wide and the physical improvements of the Yosemite Parkway roadway are located on the project site, which together reduces the distance to achieve the 55-foot ROW centerline setback. The conditions are exceptional to the project site as compared to other lots in the vicinity where there are no roadway improvements on the lots and where there are greater ROWs, such as 60 feet, which provide greater distances for residential improvements to meet the 55-foot ROW centerline setbacks without a variance.

There is a culvert underneath Yosemite Park Way that drains onto the neighboring property and then onto the subject lot. The further the residential structure is located away from the front property line, and by extension the center line of the ROW, the greater the potential for flooding, rapid runoff, and sedimentation into the nearby tributary of Indian Creek located to the west of the subject property. The variance has the potential to reduce flooding, rapid runoff, and sedimentation of a nearby creek (Indian Creek), thereby allowing the property owner to help protect the environment in a manner enjoyed by other property owners in the area. This is a special circumstance applicable to this property.

These are exceptional circumstances applicable to this property. The applicant is requesting a 48-foot setback from the center line of Yosemite Park Way for the residence. The reduction of 7 feet from 55 feet to allow for 48 feet from the centerline, while maintaining 25 feet from the front property line, will allow the residential structures to be located on the upper portion of the lot closer to the roadway centerline while maintaining area for on-site parking.

2. **FINDING (Material Detriment):** The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the property is located. (§17.120.050.B, Mariposa County Code)

EVIDENCE:

The project will not be materially detrimental to the public welfare or the surrounding properties or surrounding improvements. Granting the variance would not affect public access to any road or right-of-way, nor would it affect adjacent

property improvements. Granting of the variance has the potential to protect the privacy and view of neighboring properties. While there is a 7-foot reduction from the ROW centerline setback from 55 feet to 48 feet, the front property line setback is still maintained at 25-feet, providing sufficient distance for encroachment site distance and to allow uniformity in housing placement to those in the vicinity.

3. **FINDING (General Plan):** The granting of such variance will not adversely affect the comprehensive general plan. (§17.120.050.C, Mariposa County Code)

EVIDENCE:

The property is located within the Residential Land Use Classification. The applicant is proposing residential development consistent with the land use. The Variance is a process that is permitted by county code and state law, if appropriate as determined by special physical characteristics of the site. The granting of this Variance would allow construction of a single-family residence as desired by the property owner on a lot classified and zoned for residential purposes.

4. **FINDING (Special Circumstances):** There are special circumstances applicable to the property in which the strict application of zoning ordinance regulations will deprive the property of privileges enjoyed by other property in the vicinity and under the identical zone. (§17.120.050.D, Mariposa County Code)

EVIDENCE: The residence is required to be 55 feet from the center line of the right-of-way (Yosemite Park Way). Due to the tangent curvatures and segments of Yosemite Park Way, a 50-foot right-of-way fronting the lot and the actual Yosemite Park Way road pavement located on the lot, the circumstances of the lot differ from those in the vicinity where the physical pavement improvements of frontage access roadways are not located on the lots and where there are greater width ROW's such as 60-foot and more. This is a special circumstance applicable to this property.

There is a culvert underneath Yosemite Park Way that drains onto the neighboring property and then onto the subject lot. The further the residential structure is located away from the front property line (and by extension the center line of the ROW), the more grade differential there is in the residential building envelope due to the lot steepness the greater the potential for flooding, rapid runoff and sedimentation into the nearby tributary of Indian Creek located nearby the subject property. The variance has the potential to reduce flooding, rapid runoff and sedimentation of a nearby creek, thereby allowing the property owner to help protect the environment in a manner enjoyed by other property owners in the area. This is a special circumstance applicable to this property.

5. **FINDING (Special Privilege):** The granting of such variance will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated. (§17.120.050.E, Mariposa County Code)

EVIDENCE: As this property is not the only one in the immediate vicinity that faces these particular development challenges, the granting of this variance is not a grant of special privilege. By granting this variance, the applicant's home will be receiving privileges already enjoyed by other properties in Yosemite West, including

proximity to the centerline of public rights of way. Many homes do not meet the required setback standards and homes have been granted variances for a variety of reasons. If other parcels do have similar circumstances, then they could apply for a variance to determine if deviation from the standards is appropriate.

Due to limited lot sizes, steep parcels, higher elevation location, and the general nature of the setback standards (applicable to all rural areas of the county) it is difficult to build a structure that meets all regulations; therefore, many homes do not meet setback standards, including some that have been granted a variance to construct a home within the front yard setbacks. Therefore, granting this variance would not constitute a grant of special privilege as others have enjoyed these types of variances as well.

6. **FINDING (CEQA Exemption):** The granting of the variance to front yard setback standards for a proposed residence in Yosemite West is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303(a). The project will result in construction of a permitted single-family residence in a residential zone in a location on the lot desired by the property owner.

Project Conditions for Variance Application No. 2021-055

Project Name: Bless Hope Wolf; Variance Application No. 2021-055

The following conditions were approved for this project 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 Conditions of Approval		
CONDITIONS OF APPROVAL / PUBLIC WORKS DEPARTMENT	MONITORING DEPARTMENT	VERIFIED IMPLEMENTED
1. The applicant shall comply with all the building code requirements and permitting requirements.	Building Department	
2. Project approval is valid for a period of three (3) years from September 24, 2021. A building permit shall be issued prior to the project expiration date. This approval shall expire on September 24, 2024. A one and a half year (18 month) time extension may be granted for the project if a complete time extension application is submitted prior to the expiration of approval.	Mariposa Planning	
3. This variance approval is for the construction of a residence located no closer than 48 feet from the centerline of the Yosemite Park Way right-of-way. A Building Permit Site Plan shall be submitted showing the residence complies with this reduced setback.	Mariposa Planning	
4. Prior to construction, a licensed land surveyor shall post the property corners and property lines in the area of construction and shall provide project layout staking for the structure. The surveyor shall verify the location of the footing forms prior to placing concrete to be no closer than 48 feet from the centerline of the Yosemite Park Way right-of-way. A wet stamped letter by the surveyor verifying this requirement has been met shall be submitted to the Building and Planning Departments.	Mariposa Planning	
5. The Applicant shall complete issued encroachment permit for driveway improvements and utilities. This will be verified by Public Works prior to issuance of Certificate of Occupancy.	Public Works	

MARIPOSA COUNTY NOTICE OF EXEMPTION

TO: County Clerk, County of Mariposa
P.O. Box 247
Mariposa, CA 95338

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

Project Title: Variance Application No. 2021-055

Project Address: 7178 Yosemite Park Way, Yosemite West, CA

Project Parcel: APN 006-090-0040

**Description
of Project:**

Variance Application No. 2021-055 approves a reduction from the required minimum front yard setback from the center line of the public right-of-way from 55 feet to 48 feet. The reasons for the variance are to increase the ability of the project site to slow and disperse water drainage flow from a culvert that drains onto the neighboring parcel, thereby reducing potential sedimentation of West Creek located roughly 400 feet west of the lot; decrease potential flooding of the home; and provide the ability of the residence to accommodate wheelchair access. The site is zoned Rural Residential and is undeveloped.

Name of Public Agency Approving Project: Mariposa County Planning Commission

Name of Person (Applicant) Carrying Out Project: Blessed Hope Wolf

Exempt Status: Categorical Exemption, Section 15303(a), Class 3, CEQA Guidelines

Reason Why Project Is Exempt: The project is a setback variance for a new residence in a residential zone.

Lead Agency Contact Person: Steve Engfer, Senior Planner

Phone Number: (209) 966-5151

Mariposa County Planning Commission
by

Sarah Williams
Planning Director

Date

Attachment: Notice of Exemption [Revision 1] (2021-PCRES-15 : Variance Application No. 2021-055)



Variance Application No. 2021-055

Applicant: Blessed Hope Wolf

Planning Commission Meeting – September 24, 2021

Variance No. 2021-055

5.B.e

Variance Background

- Mariposa County Code Chapter 17.120 requires staff to analyze the Variance for compliance with 5 necessary findings.
- If a project cannot meet the required findings then the Variance should be denied by the PC
- The PC may impose any conditions it deems necessary to guarantee compliance with the findings

Project site

- Located at 7178 Yosemite Parkway
- Less than one half acre
- Zoned Rural Residential
- Undeveloped Vacant Land

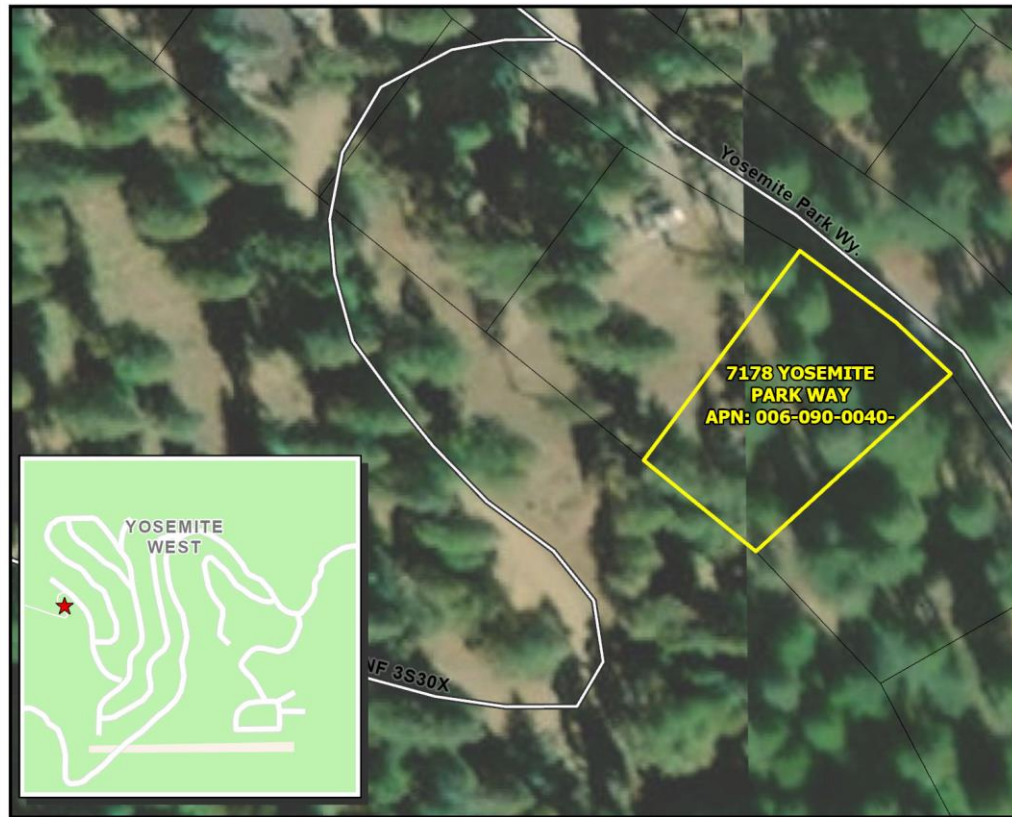
Variance No. 2021-055

- Project Description

- The proposed variance is a request for:
 - Reduction of the required right of way setback from 55 feet from the center line of the right-of-way to 48 feet.
- Proposed house will be 25 feet from the property line.
- Due to difficult site topography, 50 wide road easement
*with a portion of the physical roadway on the lot, utility easements within parcel boundary lines, and potential drainage issues with improvements located further into the lot from Yosemite Parkway

Mariposa County Planning Department Project Vicinity Map

5.B.e



0 25 50 Feet
1:735

PROJECT TYPE: Variance 2021-055

APPLICANT/OWNER: Blessed Hope Wolf

SITE ADDRESS: 7178 Yosemite Park Way, Yosemite West

APN: 006-090-0040

Coordinate System: NAD 1983 State Plane California III FIPS 0403 Feet

Date: Tuesday, April 13, 2021

Data Source: Mariposa County Planning Department GIS;

Assessor's Parcel Map Update: 7/2020

Map Credit: J.W.



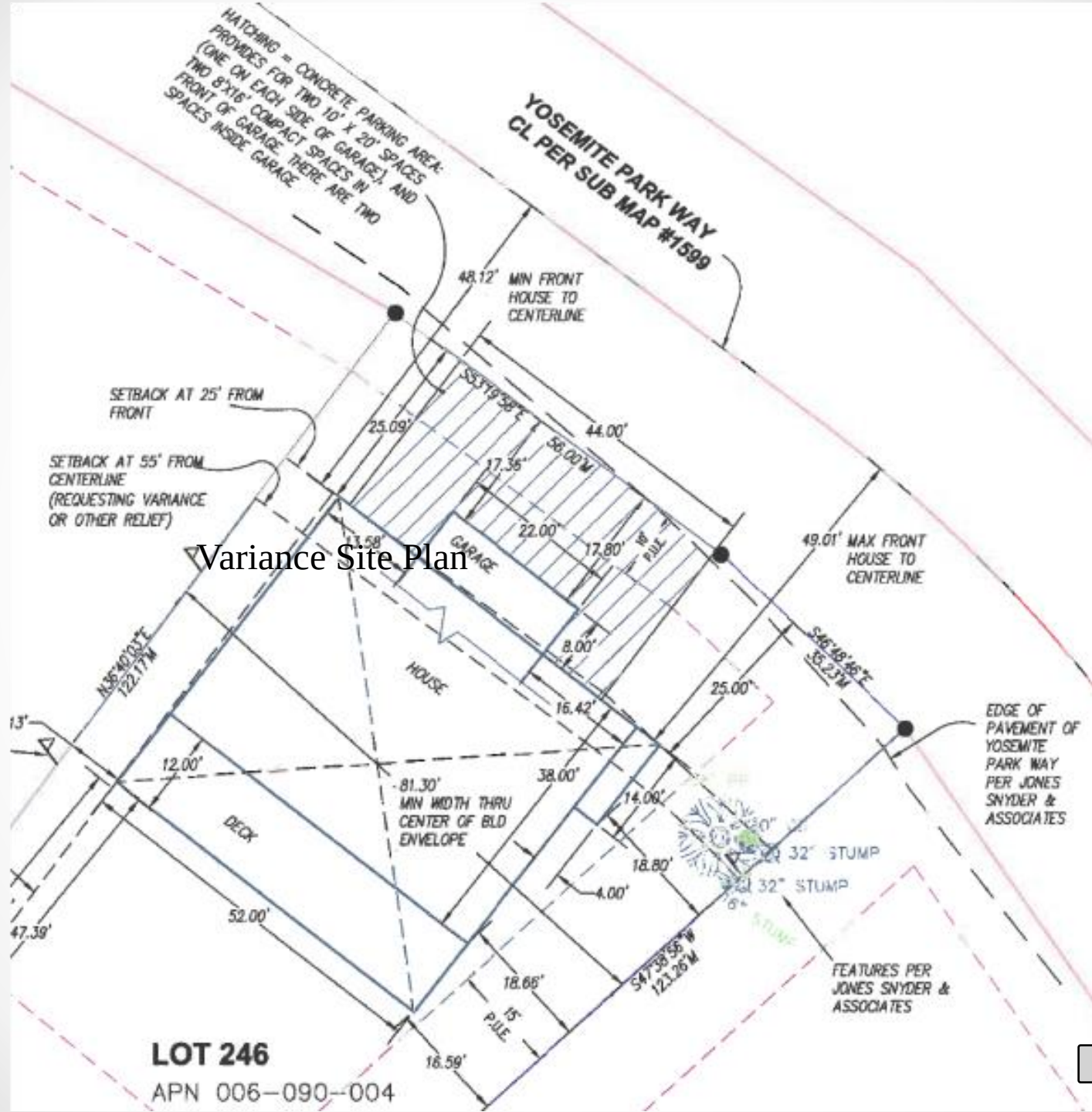
Mariposa County Planning Department
PO BOX 2039 5100 Bullion Street
Mariposa, California 95338-2039
209.966.5151 FAX 209.742.5024
mariposaplanning@mariposacounty.org
<http://www.mariposacounty.org/planning>



Mariposa County makes no warranty regarding the accuracy of the GIS or the analysis and conclusions resulting from using our GIS data. Location in Mariposa County

Attachment: Power Point Presentation (2021-PCRES-15 : Variance Application No. 2021-





Variance No. 2021-055

Indian Creek Proximity Exhibit



Variance No. 2021-055

- 1. Exceptional Circumstances:
 - There are exceptional or extraordinary circumstances or conditions applicable to the property involved.
- 2. Material Detriment
 - The proposed project will not cause material detriment to the public welfare or be injurious to the property or surrounding area.
- 3. General Plan:
 - Granting of the Variance will not adversely affect the comprehensive General Plan.
- 4. Special Circumstances:
 - There are special circumstances applicable to the property in which the strict application of zoning ordinance regulations will deprive the property of privileges enjoyed by other property in the vicinity and under the identical zone.
- 5. Special Privilege:
 - Granting the Variance will not constitute a special privilege inconsistent with the limitations on other properties in the vicinity and zone in which the property is located.

Public Comments

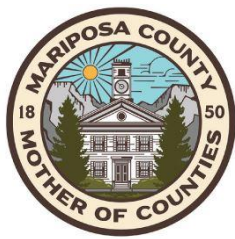
- A phone call was received by nearby property owner, Erica Baltodano. (APN 006-090-0180) 7185 Yosemite Park Way.
- She was requesting additional information and did not oppose the project.

Variance No. 2021-055

Conclusion/Staff Recommendation

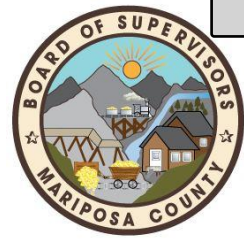
- Staff recommends that the Planning Commission adopt a resolution:

Approve Variance No. 2021-055 with the recommended findings and conditions, including a finding that the project is exempt from environmental review.



MARIPOSA COUNTY

Planning • 209-966-5151



5.C

MEETING: September 24, 2021

TO: The Mariposa County Planning Commission

FROM: Sarah Williams, Planning Director

RE: General Plan/Zoning Amendment No. 2017-084 for Special Event
Facilities

PUBLIC HEARING - Adopt a Resolution Recommending the Board of Supervisors: 1) Adopt a Resolution Approving General Plan/Zoning Amendment No. 2017-084 for Special Event Facilities with the Recommended Changes Proposed by the Board of Supervisors on July 27, 2021, with Recommended Findings, Including a Finding the Project is Exempt from Environmental Review, and 2) Waive the First Reading and Introduce an Ordinance Amending County Code Pursuant to County Code Amendment No. 2017-084 with the Recommended Changes Proposed by the Board of Supervisors on July 27, 2021 with Findings

See Staff Report and Draft Resolution for information and justification.

PROCEDURAL NOTE - The Planning Commission made a recommendation to the Board of Supervisors on this proposed amendment on June 25, 2021. The Board of Supervisors considered the proposed amendment at a noticed public hearing on July 27, 2021. The Board took no action on the amendment and returned the project to the Commission to consider changes they recommended. The Board's proposed changes are described in detail in the staff report.

ATTACHMENTS:

- 1 210924 PC Staff Report (DOC)
- 2 210924 Draft PC Resolution (DOCX)
- 3 210924 Draft NOE (DOC)
- 4 210610 Input from Miller_Special Events Facility (PDF)

RESULT: ADOPTED AS AMENDED [UNANIMOUS]

MOVER: John McCamman, District V Planning Commissioner

SECONDER: Mick Herman, District III Planning Commissioner

AYES: Walls, Wilmeth, Herman, Smith, McCamman



MARIPOSA PLANNING STAFF REPORT

From: Sarah Williams, Planning Director

Prepared By: Sarah Williams

Planning Commission Meeting Date: September 24, 2021

PROJECT:	General Plan/Zoning Amendment No. 2017-084
PROPOSAL:	Amend the General Plan to establish policies to allow special event facilities in rural residential areas of the county and amend Title 17, Zoning, to define Special Events and Special Event Facilities and provide permitting provisions and development standards for Special Event Facilities
PROPONENT:	County of Mariposa
AMENDMENT AREA:	Applies countywide, in rural areas
NOTICING:	Gazette Ad: September 9, 2021 Posted Notice: September 8, 2021
COMMISSION ACTION:	Staff recommends the Planning Commission adopt a resolution recommending that the Board of Supervisors: A. Adopt a resolution approving General Plan/Zoning Amendment No. 2017-084 for Special Event Facilities with the recommended changes proposed by the Board of Supervisors on July 27, 2021, and the recommended findings, including a finding the project is exempt from environmental review; and B. Waive the first reading and introduce an ordinance amending County Code pursuant to County Code Amendment No. 2017-084 with the recommended changes proposed by the Board of Supervisors on July 27, 2021 with findings.
PROCEDURAL NOTE:	The Planning Commission made a recommendation to the Board of Supervisors on this proposed amendment on June 25, 2021. The Board of Supervisors considered the proposed amendment at a noticed public hearing on July 27, 2021. The Board took no action on the amendment and returned the project to the Commission to consider changes they recommended. The Board's proposed changes are described in detail further in this staff report.

SUMMARY OF AMENDMENT

Currently, the County's General Plan and the zoning ordinance, Title 17, do not address Special Events and Special Event Facilities. Although there are a number of such facilities operating in the County, there is no provision in the County's planning documents to allow them. This amendment would amend Sections 5.3.02(B), 5.3.04(B) and 5.3.05(B) of the General Plan, the Residential, Agriculture/Working Landscape and Natural Resource land use classifications, to provide policies to allow for such uses in these countywide classifications.

The proposal would also amend Section 17.148.010 of Mariposa County Code, to add necessary definitions for Special Events and Special Event Facilities, and add Section 17.108.220 to the Mariposa County Code, to add permitting provisions and development standards for Special Event Facilities.

BACKGROUND

Special events include celebrations, ceremonies, weddings, receptions, business functions, arenas which are used for organized competitive events, special festivals or similar activities for the benefit of someone other than the property owner. There has been considerable interest over an extended period of time to address the issue of Special Event Facilities in the County, not only to provide a mechanism to allow new facilities but to establish standards for all such facilities, including those currently operating. Without established authority, it is not possible for Mariposa County Development Services to approve these facilities or issue development permits for permanent facilities to support these venues. Currently, there are under ten (10) such facilities operating in the County of which Development Services has knowledge. The owners/operators of such facilities known to be operating were notified that the County is undertaking this amendment process and invited to provide input.

It should be noted that the adopted Board of Supervisors' resolution initiating the amendment stated that these existing facilities are apparently conducting their business in such a way as to not create significant impacts on surrounding rural residential uses. The Board's resolution also expressed an interest in establishing a reasonable grace period for facilities to come into compliance with the new regulations due to significant economic impacts of COVID-19.

The Board initiated the processing of the amendment on October 20, 2020 with the adoption of Resolution 2020-629.

The Planning Commission reviewed the amendment at a noticed public hearing on June 25, 2021 and recommended approval with the adoption of Resolution No. 2021-010.

The Board of Supervisors reviewed the amendment at a noticed public hearing on July 27, 2021. They recommended additional edits to the text of the project, which necessitates the item being referred to the Planning Commission for consideration.

SPECIFIC TEXT OF PROPOSED GENERAL PLAN AMENDMENT

The text of the proposed amendments with the Board recommended changes is as shown in the draft Planning Commission resolution, which is included in this staff report as Attachment 1.

The following table provides a summary of the standards and permitting process for Special Event Facilities.

Special Events Facilities

	<u>TIER ONE</u> Requires Administrative Use Permit (AUP)	<u>TIER TWO</u> Requires Administrative Use Permit (AUP)	<u>TIER THREE</u> Requires Conditional Use Permit (CUP)
# of People at Event	200 or Fewer	300 or Fewer	500 or Fewer
Parcel Size	10 Acres or More*	20 Acres or More*	40 Acres or More*
Number of Events / Year	18 or Fewer Times (Event can be 2 consecutive days)	18 or Fewer Times (Event can be 2 consecutive days)	To be determined through CUP process

NOTE: All Special Event Facilities must comply with all requirements established in Mariposa County Code Section 17.108.220. These requirements are established to minimize impacts of operation of a special event facility.

*If a property owner owns multiple adjacent parcels, then the total acreage of those adjacent parcels may be used to determine the permit process requirements.

As noted in the definitions section, uses that are accessory to a single-family residential use including private parties, private gatherings, and similar private activities that are not subject to a use agreement (or similar document) between a private individual or group and the homeowner are not defined as a special event. Exceptions also include agri-nature trail or farm tours and holiday home tours, and similar events. Such uses are not subject to the proposed permitting process and standards.

AGENCY COMMENTS

The proposed amendment text, as initiated by the Board of Supervisors on October 20, 2020, was sent to the following agencies for review and comment: county Public Works Department; Environmental Health Unit; County Fire; Building Department; Sheriff's Office; and CAL FIRE.

Comments were received from the Mariposa County Fire Department.

The department recommended specific text regarding the use of temporary membrane structures and tents due to the inherent danger of collapse and/or movement during wind events and/or snow. California Fire Code requires an operational permit and a construction permit for large tents (larger than 26' by 26').

Temporary membrane structures and tents.

A construction and operational permit is required to erect and use an air-supported temporary membrane structure, a temporary stage canopy or a tent having an area in excess of 400 square feet.

Exceptions:

1. Tents used exclusively for recreational camping purposes.
2. Funeral tents and curtains, or extensions attached thereto, when used for funeral services.
3. Tents and awnings open on all sides, which comply with all of the following:
 - Individual tents shall have a maximum size of 700 square feet.
 - The aggregate area of multiple tents placed side by side without a fire break clearance of not less than 12 feet shall not exceed 700 square feet total.
 - A minimum clearance of 12 feet to structures and other tents shall be maintained.

County Fire's general recommendations were incorporated into the original proposed zoning text when initially reviewed by the Commission and Board. The section in which they were incorporated is Section 17.108.220(D)(12) of the proposed ordinance. The original amendment text referenced the specific sizes of a tent structures, air supported temporary membrane structures, temporary stage canopies or tents that would need construction and operational permits. Staff proposes that the Commission and Board delete that detailed text due to its specificity and the potential for regulations to change over time.

**RECOMMENDED FINDINGS OF APPROVAL FOR GENERAL PLAN/ZONING
AMENDMENT NO. 2017-084**

Recommended Findings are as shown in the draft Planning Commission resolution included in this staff report as Attachment 1.

MARIPOSA COUNTY AGRICULTURAL ADVISORY COMMITTEE RECOMMENDATION

The amendment allows the potential for special events and special event facilities to be located in the Agriculture/Working Landscape (Ag/WL) Land Use Classification and the Agriculture Exclusive (AE) Zone. Therefore, the amendment was placed on the Mariposa County Agricultural Advisory Committee's April 8, 2021 agenda for committee review and recommendation. The committee voted unanimously to recommend approval of the amendment with the addition of text to:

- Allow CAL FIRE and the Mariposa County Fire Department the opportunity to review all special event and special event facility applications and apply any conditions to the project to ensure compliance with all applicable fire safe standards.

- State that non-compliance with operational standards and conditions of approval may result in the revocation of the permit to operate the facility.
- Ensure that all applications for special events and special event facilities in the Ag/WL land use classification and /or AE zone are referred to the committee for review and recommendation.

The committee also recommended a fee structure that would be applied to operators of projects to offset costs incurred by the county when a facility is in operation, i.e. law enforcement, fire department and other agency costs. Staff notes that these fees could only be applied via a county program for Impact Fees. The County does not currently have a program for Impact Fees, so this recommendation of the committee cannot be pursued.

(NOTE: As stated clearly in the amendment text, although such facilities would be allowed in the AE zone, under no circumstances would they be allowed on land governed by a Land Conservation Act or Williamson Act contract.)

PAST ACTION:

The Planning Commission heard the proposed amendment at a duly noticed public hearing on June 25, 2021. The Commission adopted Resolution No. 2021-010 recommending the Board of Supervisors approve the proposed amendment with minor changes to the text.

The Board of Supervisors held a duly noticed public hearing on the amendment on July 27, 2021. Several existing special event facility operators provided testimony regarding a number of aspects of the proposed code text. Following receipt of and discussion regarding the public input, the Board returned the proposed amendment to the Planning Commission directing the Commission to consider some proposed changes to the text and make a further recommendation to the Board on the amendment. The July 27, 2021 changes are shown in yellow highlighted, red font in the draft resolution (the yellow highlight and red font will be removed from the final signed version of the resolution).

Of primary concern was the recommended one-year time frame after the effective date of the ordinance that operators would be allowed to obtain a use permit for their facilities. Several of the operators questioned the time frame in light the costs associated with installing permanent potable water supply and sewage disposal facilities.

In its recommendation action on June 25, the Commission recommended that the Board establish a one-year time frame from the effective date of the ordinance in which existing special event facility operators would be required to apply for and receive a use permit to operate.

In the Board's referral to the Commission, they asked that the Commission consider the establishment of a two-year time frame for existing operators to install permanent potable water supply and sewage disposal facilities at their sites; all other requirements would have to be met within the one-year time frame.

With respect to specific sections of ordinance text, testimony was received that the new definition of a Special Event to be added to Section 17.148 (Definitions) be amended to state that holiday home tours,

agri-nature trail tours and similar events are not defined as Special Events. The Board directed that the Commission consider this change.

Additional testimony was received regarding setbacks from road easements for parking spaces and lots at special event facilities. The specific text in proposed Section 17.108.220(D)(7) originally recommended for approval by the Commission and considered by the Board is as follows:

Setbacks: Setbacks for all structures, permanent and temporary, and for all facilities associated with the event venue shall be a minimum of fifty (50) feet from property lines and adjoining road easements

The Board directed the Commission to consider and make a recommendation on adding text that would exempt parking spaces and parking lots from the road easement setback requirement.

The draft Planning Commission resolution shown in this staff report addresses the issue of time frames for the installation of water and sewage disposal facilities, and the exhibits in the draft resolution show the changes to the amendment text recommended by the Board. (Note: The highlighted/red colored font style will be removed in the Commission's final resolution.)

PUBLIC NOTICE

The Planning Commission hearing notice with a summary of the proposed code amendment was published in the Mariposa Gazette on September 9, 2021 (1/8th page notice). Notices were also posted in 17 community locations throughout the county and on the county's website on September 8, 2021.

At the time of publication of this staff report (September 17, 2021) staff has received one public comment on the project via email. This input was included in both the Commission's June 25, 2021 and Board's July 27, 2021 hearing packets. Written comments received after publication of the Staff Report shall be supplied to the Commission.

NATIVE AMERICAN NOTIFICATION

Since this project involves a General Plan amendment, the County was required to provide opportunity for Native American tribes on the Mariposa County contact list to request a consultation on the project. The tribe contact list is maintained by the state Native American Heritage Commission.

In accordance with the process mandated by state Government Code Section 64352.3(2), Planning staff mailed certified letters, dated November 18, 2020, to the County's six prescribed Native American contacts notifying them that they had 90 days, until February 15, 2021, to request a consultation on the project. Planning received five return receipts as of the date of publication of this staff report (meaning 5 Native American contacts received the request for consultation). No Native American contacts requested a consultation on the project.

FUTURE ACTION ON PROJECT

After the Planning Commission makes a recommendation to the Board of Supervisors, the Board will hold a noticed public hearing on the project. The Board of Supervisors will take final action on the amendment by way of resolution for the general plan amendment portion of the amendment text and environmental determination, and by way of an ordinance for the addition of the amendments to Title 17. If the Board takes action to approve the project at the first hearing, a second reading of the ordinance will be scheduled. The second reading of the ordinance approving the amendment to county code will occur two weeks following. The ordinance is effective thirty (30) days after the second reading. Once the code amendment becomes effective, the process is final.

Attachment 1	Draft PC resolution
Attachment 2	Draft Notice of Exemption

**STATE OF CALIFORNIA
COUNTY OF MARIPOSA
BOARD OF SUPERVISORS**

Resolution
No 2021-

A Resolution Recommending that the Board of Supervisors approve General Plan/Zoning Amendment No. 2017-084, as amended, to Add Policies, Permitting Provisions and Development Standards for Special Event Facilities in Rural Areas

WHEREAS, there is an established need in Mariposa County for facilities at which limited special events can be conducted; and

WHEREAS, special events include celebrations, ceremonies, weddings, receptions, business functions, arenas which are used for organized competitive events, special festivals or similar activities for the benefit of someone other than the property owner; and

WHEREAS, the General Plan does not contain policies for special event facilities; and

WHEREAS, the Zoning Ordinance does not contain land use allowances or development standards for special event facilities; and

WHEREAS, there are special event facilities which are operating in the rural areas of the county; and

WHEREAS, without established authority, it is not possible for Mariposa County Development Services to approve these facilities or issue development permits for permanent facilities to support these venues; and

WHEREAS, these existing facilities are apparently conducting their business in such a way as to not create significant impacts on surrounding rural residential uses; and

WHEREAS, the parcel size and operational characteristics of these existing facilities were considered; and

WHEREAS, it is critically important that code provisions ensure that facilities are established and operated to be compatible in rural residential areas.

WHEREAS, this project is known as General Plan/Zoning Amendment No. 2017-084; and

WHEREAS, the Agricultural Advisory Committee considered this project at a duly noticed public meeting on the 8th day of April 2021 and recommended approval of the amendment with changes to the text which have been incorporated into the amendment; and

WHEREAS, the Agricultural Advisory Committee also recommended the establishment of a fee structure to be applied to such facilities in order to offset the costs incurred by the

County when a facility is in operation, i.e. law enforcement, fire department, other agency costs; and

WHEREAS, a duly noticed Planning Commission public hearing on the project was scheduled for the 25th day of June 2021; 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 packet and testimony presented by the public, and the recommendation of the Agricultural Advisory Committee; and

WHEREAS, the Planning Commission adopted Resolution No. 2021-010 recommending the Board of Supervisors approve the proposed amendment with minor changes to the text; and

WHEREAS, a duly noticed Board of Supervisors public hearing on the project was scheduled for the 27th day of July 2021; and

WHEREAS, the Board of Supervisors held a duly noticed public hearing on the amendment on the noticed date and considered all of the information in the public record, including the Staff Report packet and testimony presented by the public, and the recommendations of the Planning Commission and the Agricultural Advisory Committee; and

WHEREAS, the Board of Supervisors took no action on the amendment and returned the proposed amendment to the Planning Commission to consider changes to text relating to the specific exclusion of home holiday tours, agri-nature trail tours, and similar events within the definition of a Special Event as shown in Exhibit 2, and the exemption of parking lots and spaces adjacent to road easements from proposed setback standards as shown in proposed Section 17.108.220(D)(7) of the amendment text in Exhibit 3; and

WHEREAS, the Board of Supervisors also directed the Planning Commission to consider a recommendation that would allow Special Event facilities two (2) years from the effective date of the special events ordinance to install permanent potable water supply and sewage disposal facilities; all other requirements of the ordinance would have to be met within one (1) year from the effective date of the ordinance; and

WHEREAS, a duly noticed Planning Commission public hearing on the Board's recommendations was scheduled for the 24th day of September 2021; and

WHEREAS, the Planning Commission did hold a public hearing on the noticed date and considered the Board's recommendations and all of the information in the public record, including the Staff Report packet and testimony presented by the public.

NOW BE IT THEREFORE RESOLVED THAT, the Planning Commission does hereby recommend that the Board of Supervisors adopt a resolution approving an amendment to the Mariposa County General Plan pursuant to General Plan/Zoning Amendment No. 2017-084; with recommended findings, including a finding the project is exempt from environmental review; and waive the first reading and introduce an ordinance amending County Code pursuant to General Plan/Zoning Amendment No. 2017-084; action includes findings. The recommended amendment text is as follows:

1. Section 5.3.02(B) of the General Plan, the Residential Land Use Classification; Section 5.3.04(B) of the General Plan, the Agriculture/Working Landscape Land Use Classification; and Section 5.3.05(B) of the General Plan, the Natural Resource Land Use Classification and as shown in Exhibit 1,
2. Section 17.148.010 of Mariposa County Code, to add necessary definitions as shown in Exhibit 2 (with changes recommended by the Board on the 27th day of July 2021), and
3. Section 17.108.220 to the Mariposa County Code, to add permitting provisions and development standards for Special Event Facilities (with changes recommended by the Board on the 27th day of July 2021) as shown in Exhibit 3.

BE IT THEREFORE FURTHER RESOLVED THAT the recommendation for project approval is based on the following recommended findings supported by substantial evidence in the public record:

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

Evidence: The amendment promotes the general public health, safety, peace, and welfare. The amendment is in the general public interest in that it provides a clear and comprehensible process for the establishment of Special Event Facilities in rural areas of the County while ensuring that the facilities are compatible with the rural neighborhoods in which they will be located. The amendment merely establishes the process by which such facilities can be sited. No specific project is considered as part of this amendment. Proposed facilities meeting defined thresholds will be subject to public permitting processes and environmental review, thus ensuring that public health, safety, peace, and welfare is protected.

2. **Finding:** The 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: The amendment is consistent with the Mariposa County General Plan. The project involves a general plan amendment. When the amendment text is incorporated into the General Plan, it will be a clear statement of policy that will help guide development in the county. It not only allows consideration of Special

Event Facilities to serve the local population, but that also have the potential to enhance the visitor economy. Section 6.1.05 – *Enhancing the County's Economic Sectors*, in the Economic Development element in the General Plan, states in part: *"Expanding the visitor economy is an important short-term economic strategy. This expansion will be accomplished through a number of different efforts, but the primary goals are to extend the "season" from five to nine months or longer, increase lengths of stay and room occupancy rates, and make Mariposa County, outside Yosemite National Park, a major destination for visitor activities."* Larger Special Event Facilities will contribute to the visitor economy. The amendment provides a long term guide for economic development in the county and a short term basis for day-to-day decision making through a clear, comprehensible and public permitting process.

- 3. Finding:** That amendment conforms to the requirements of state law and county policy.

Evidence: This project has been processed in accordance with State law and county policy, including consultation with local agencies, and public noticing. The project involves a general plan amendment and Native American consultation was sought pursuant to state Government Code.

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

Evidence: The amendment is consistent with the goals, policies and standards in the county's General Plan. The General Plan contains goals, policies and implementation measures that promote the maintenance of the county's rural character. It also contains goals, policies and implementation measures that promote economic development and job creation. The amendment, which will allow consideration of Special Event Facilities in rural areas of the county, addresses both sets of standards. It will promote economic development and job creation, while protecting the county's rural character through implementation of defined operational standards.

- 5. Finding:** County Code Amendment No. 2017-084 is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) – common sense exemption – (there is no possibility the activity in question may have a significant effect on the environment), CEQA Guidelines. The amendment merely establishes policy in the General Plan to allow consideration of Special Event Facilities in the rural areas of the county, and adds definitions for Special Events and Special Event Facilities and permitting provisions and development standards for such facilities to county code. The amendment does not propose a specific development project.

BE IT THEREFORE FINALLY RESOLVED THAT the Planning Commission recommends that existing special events facilities operating regularly prior to the effective date of the special events ordinance adopted pursuant to General

Plan/Zoning Amendment No. 2017-084 be allowed one (1) year from the effective date of the ordinance to complete the process of obtaining a permit and complying with all of the standards of the ordinance, **except that installation of a permanent potable water supply (and supporting infrastructure) and permanent on-site sewage disposal facilities (and supporting infrastructure), which may be a sewer service connection, must occur within two (2) years from the effective date of the ordinance.**

ON MOTION BY Commissioner _____, seconded by Commisioner _____, this resolution is duly passed and adopted this 24th day of September 2021 by the following vote:

AYES:

NOES:

EXCUSED:

ABSTAIN:

Ed Walls, Chair
Mariposa County Planning Commission

Attest:

Jil Chiesa, Secretary to the
Mariposa County Planning Commission

Exhibit 1

(New text shown in *italicized, underlined* type)

Amend text in Section 5.3.02(B) of the General Plan Residential Land Use Classification

B. Extent of Uses

Residential land uses include single-family dwellings, vacation homes, and agriculture. Typical accessory uses are related to personal recreation, home-based business activities, other uses related to agriculture, and uses consistent with rural character. Churches and mining are allowed subject to a discretionary permit. *Special event facilities meeting defined thresholds as described in county code are allowed subject to a discretionary permit.*

Amend text in Section 5.3.04(B) of the General Plan Agriculture/Working Landscape Land Use Classification

B. Extent of Uses

The primary uses in the Agriculture/Working Landscape land use classification include single-family dwellings on large parcels, agritourism uses in conjunction with the primary agriculture production use of the property, agriculture and timber production and harvesting. Secondary or accessory uses which may be permitted with an appropriately-noticed public review process include feed lots, lumber mills, mining and other uses associated with the primary uses that are known to have characteristics which require site specific compatibility review. Lands under Williamson Act contract are subject to the terms and conditions of the contract.

In addition to the traditional uses within the classification, the County permits through a discretionary review (conditional use permit) churches, and organizational camps. *Special event facilities meeting defined thresholds as described in county code are allowed subject to a discretionary permit.* In addition, the County permits through a discretionary review (conditional use permit) the creation of resort or visitor uses, which are secondary to the primary uses of agriculture and timber production. Agritourism is a permitted use when in conjunction with the primary agriculture production use of the property. Such agritourism uses support the County's goal of encouraging agriculture and regional visitor businesses. Review criteria for the agritourism use will include but not be limited to biosecurity, compatibility for neighboring agriculture uses, and availability of proper infrastructure. A reclassification to Rural Economic/Resort is required to approve a resort or visitor-oriented ranch as the primary use in the Agriculture/Working Landscape land use classification. Agritourism uses in the Agriculture/Working Landscape should be compatible with the surrounding primary uses.

Amend text in Section 5.3.05(B) of the General Plan
Natural Resource Land Use Classification

B. Extent of Uses

The primary uses in the Natural Resource land use classification include lands in public ownership, single-family dwellings on large parcels of 40 acres or greater in size, ranches, farms, vineyards, public access, timber management and harvesting, natural resource compatible recreation access, and land conservation uses or easements. An ecotourism resort or mining project may be permitted with a discretionary approval. Churches and organizational camps are allowed subject to a discretionary permit. Special event facilities meeting defined thresholds as described in county code are allowed subject to a discretionary permit.

Exhibit 2

Chapter 17.148

DEFINITIONS

Sections:

17.148.010 Definitions of terms and phrases.

17.148.010 Definitions of terms and phrases.

The following terms and phrases shall be used in this title and are listed alphabetically:

Add two new definitions to Section 17.148.020 as follows (all other definitions remain unchanged):

Special Event:

A Special Event is a celebration, ceremony, wedding, reception, business function, arenas which are used for organized competitive events, seasonal festival, or similar activity for the benefit of someone other than the property owner that takes place on a periodic basis, involving the gathering of individuals assembled for the common purpose of attending a special event. The maximum number of guests or attendees at a special event shall not exceed 500 persons at any one time. Uses that are accessory to a single-family residential use including private parties, private gatherings, and similar private activities that are not subject to a use agreement (or similar document) between a private individual or group and the homeowner, and holiday home tours, agri-nature farm or trail tours and similar events are not defined as a special event.

Special Event Facility:

A Special Event Facility is a facility where special events are permitted to occur. Special Event Facilities are subject to a use agreement (or similar document) between a private group or individual and the facility owner. The facility owner may or may not charge a fee for the use of the facility such as for a fundraiser for a charitable non-profit organization. Facilities may be located entirely within a structure, outside of a structure, or both inside and outside a structure. Facilities must include improvements or provisions to accommodate special events.

Exhibit 3

Chapter 17.108

SUPPLEMENTARY STANDARDS

Sections:

Add new Section 17.108.220 to Chapter 17.108 as follows (all other text in this chapter remains unchanged):

17.108.220 Special Event Facilities.

The purpose of this section is to establish a process through which special event facilities, as defined in this title, can be located in rural areas of the County while also protecting the rural character of surrounding communities and areas.

A. Applicability: Special event facilities as defined in Chapter 17.148 of this title are allowed in the MH, MT, MG, MP and GF zones subject to the limits and standards set forth in this section. Such uses are also allowed in the AE zone, subject to the limits and standards set forth in this section, except such uses are not allowed on parcels encumbered by a Land Conservation Act (LCA) or Williamson Act contract.

B. Permit Process Requirements:

1. Administrative Use Permit: Special Events occurring eighteen (18) or fewer times per calendar year for no more than two consecutive days per event are subject to the issuance of an administrative use permit as described in Chapter 17.114 of this title, and the following restrictions:

a. Events involving two hundred (200) or fewer guests or attendees at any time during the event may be allowed on parcels of ten (10) acres or more in size.

b. Events involving three hundred (300) or fewer guests or attendees at any time during the event may be allowed on parcels of twenty (20) acres or more in size.

2. Conditional Use Permit: Special Events involving five-hundred (500) or fewer guests or attendees at any time during the event, and located on parcels of forty (40) acres or more in size are subject to the issuance of a conditional use permit as described in Chapter 17.112 of this title. The conditional use permit shall determine the appropriate limits on the number of events to be held annually.

3. Parcel Size Requirements: No events are allowed on parcels less than ten (10) acres in size, however if the property

owner owns multiple adjacent parcels, then the total acreage of those adjacent parcels may be used to determine the permit process and occupancy limits.

4. The number of days of operation and numbers of guests or attendees described in the permitting processes above do not apply to annual or one-time events regulated through the Public Assemblage Permit Process as described in Chapter 8.28 of this code.

5. Pursuant to County Code, Section 17.148.010 Definitions, uses that are accessory to a single-family residential use including private parties, private gatherings, and similar private activities that are not subject to a use agreement (or similar document) between a private individual or group and the homeowner are not defined as a special event and not subject to the requirements established by this section.

6. The Mariposa County Agricultural Advisory Committee shall review and make a recommendation on proposed projects within the Agriculture/Working Landscape Land Use Classification and/or the Agriculture Exclusive Zone.

C. Application: A conditional use permit or administrative use permit application shall include the following items:

1. Detailed site plan showing location of all existing and proposed structures and facilities on the site, including parking and driveway areas, exterior lighting, restrooms or areas for porta-potties, and any proposed temporary structures such as tents, stages, and dance floors.

2. Description of the range of uses proposed and projected times and days of the week of operation.

3. Map showing the location and distance of the facility to the nearest surrounding sensitive receptors such as single-family residences and other housing types, and the location and description of the width and surfacing of roadway(s) that access the site up to the nearest major collector or arterial. If any of the access roadways are not maintained by the state or county, the application shall include information regarding any entities responsible for road maintenance.

4. Traffic management plan that includes the following:

a. Ingress and egress locations and provisions for the unimpeded movement of emergency vehicles;

b. Provisions for ensuring the orderly and safe arrival, parking, and departure of all vehicles and ensuring that traffic will not back-up or block private easements, county roads, intersections, state highways, or private driveways;

c. The location of any temporary directional signs on driveway entrances and within parking lots to ensure the orderly flow of traffic; and

d. Provisions for dust management.

5. Sources and types of noise generation, expected decibel levels at property lines from all special event activities, and noise attenuation strategies.

6. Information regarding food and beverages to be prepared and/or sold and/or distributed at the special events.

7. Information regarding public health and sanitation facilities, including restrooms or porta-potties, drinking water, recycling areas, hand washing stations and solid waste storage and disposal.

8. Fire safety provisions including limitations or allowances for open fires, fireworks, and outdoor cooking; safety for power generators; areas for mowing or weed eating; and posted emergency procedures.

9. Human health and safety including availability of a land line phone, on-site security and ambulance availability.

10. Name and contact information for person(s) responsible during events.

11. Any other information necessary to determine compliance with the standards established herein.

D. Operational Standards:

The following standards are minimum requirements that may be made more stringent by conditions of approval adopted through the AUP and CUP processes. It is the business owner's responsibility to ensure his/her/their facility continuously complies with all requirements of this section and all requirements established by conditions of approval, and that the operation of the facility does not create nuisances to off-site property owners.

1. Except for multi-day or multi-weekend events such as seasonal pumpkin patch/harvest festivals in which AUP or CUP conditions of approval will determine days of operation, activities at a special event facility are limited to two (2) days, not including set-up and take down days, and the event duration per day shall not exceed twelve (12) hours. Activities involving amplified sound shall not commence prior to 9:00 a.m. and shall conclude no later than 10:00 p.m. Overnight camping associated with the event, on dry camp sites, may be allowed and may be subject to a Special Occupancy Park permit from the California Department of Housing and Community Development. Pursuant to applicable regulations in this Title, a maximum of two (2) vacation rentals may also be developed in conjunction with the special event facility.

2. Noise: Based upon information contained in the Mariposa General Plan Volume III Technical Background Reports regarding normally acceptable noise levels in low density residential areas, noise generated by, and for the duration of, a special event, including amplified sound, shall not exceed 60 decibels at all property lines, unless an alternative limit is established through an AUP or CUP. Should three (3) or more complaints be submitted regarding noise generated by an event facility, the county may require the facility's operator to provide a study, including recommendations for noise attenuating measures, by a qualified acoustical consultant. The county shall have the authority to implement the recommendations of the consultant.

3. Access: All roadways from the nearest major collector or arterial serving the special event site shall meet the "Adequate Capacity" requirements of the Mariposa County General Plan as described in the Mariposa County Road Improvement and Circulation Policy. Access shall also comply with State Fire Safe Regulations, including maximum allowed dead-end road length, turnarounds and turnouts.

4. Driveways: On-site driveways from the nearest intersecting roadway shall be a minimum of twelve feet (12') wide if one-way traffic is proposed, and a minimum of eighteen feet (18') if two-way traffic is proposed. Driveways shall also comply with State Fire Safe Regulations, including maximum allowed dead-end road length, turnarounds and turnouts.

5. Parking: The number of parking spaces shall be one (1) space per four (4) seats or one (1) space per four (4) people based on maximum occupancy of the event, whichever is greater.

a. Aisle widths and parking lot layout within the parking areas shall conform to the dimensional standards shown in Section 17.336.030(C)(3) of this title. As an alternative, an engineered plan may be proposed.

6. Public Health: Special event facilities shall provide a potable domestic water supply and an on-site sewage disposal or sewer service connection necessary to accommodate all special events in accordance with the requirements of the Mariposa County Health and Human Services Agency - Environmental Health Unit. Bottled water and/or porta-potties may be provided to meet this requirement on a temporary basis, as approved by Environmental Health.

7. Setbacks: Setbacks for all structures, permanent and temporary, and for all facilities associated with the event venue shall be a minimum of fifty (50) feet from property lines and adjoining road easements, with the exception that parking lots,

parking lot access, and parking spaces may be located within the road easement setback area.

8. Lighting: All new exterior/outdoor lighting shall comply with International Dark Sky Standards and shall be located, adequately shielded, and directed so that no direct light falls outside the property line, or onto the public roadway.

9. Signage: All permanent and temporary signage shall comply with Section 17.108.190 of this title.

10. Dust control: Fugitive dust shall be minimized by reducing vehicle speeds on driveways and parking areas on the project site, and, during visibly dry conditions, the application of water or other approved dust palliative. Paving or an appropriate depth of gravel may also be provided.

11. Liability insurance: Adequate liability and property damage insurance or bonding shall be provided.

12. Building occupancy: All buildings and structures proposed to be used as part of the event venue shall have obtained the required permit(s) for occupancy, including applicable Fire Code requirements—construction and operational permits for the use of tent structures larger than 26' by 26' and for the use of air supported temporary membrane structures, temporary stage canopies or tents having an area in excess of 400 square feet, unless the structure meets a criterion for exception.

13. Accessibility for disabled persons: All requirements of California Building Code and applicable accessibility laws shall be met for the facility.

14. Other permits shall be obtained as required, including but not limited to a Building Permit, a Grading Permit, an Air Pollution Control Permit, a CA ABC permit, a Food Facilities permit, and/or a commercial encroachment permit.

15. Fire Safe Standards: Projects shall implement all fire safe standards required by CAL FIRE and the Mariposa County Fire Department.

16. Non-compliance with operational standards or conditions of approval adopted for a project may result in the revocation of the permit to operate the facility.

E. Operational standards specific to the AE zone:

1. Special events facilities shall not be permitted on AE zoned properties where no residential use exists on the property.

2. Special event facilities shall not convert agricultural land to an alternative use for the purpose of developing or expanding a special event facility.

F. Public Noticing:

1. In addition to the public hearing noticing requirements for a conditional use permit project contained in Section 17.132.020 of this title, hearing notices shall be sent to the owners of all properties located on any non-county roadway that serves the subject property, from the nearest county road and/or major collector or arterial.

2. In addition to the public notification requirements contained in Section 17.08.120(D) of this title, approval of an AUP shall be noticed to the owners of all properties located within six-hundred (600) feet of the subject property and the owners of all properties located on any non-county roadway that serves the subject property, from the nearest county road and/or major collector or arterial.

G. Annual Reporting and Monitoring of Events:

1. On a yearly basis, by the last day of February, the owner or manager of a special event facility shall provide to the planning department on a county-approved form confirmation that the establishment and its operation comply with the requirements of this section. The report shall provide numbers of events held and attendance at events during the prior calendar year.

2. The owner or manager of a special event facility shall keep records of events and attendance, and shall provide that information to the county upon request at any time during the calendar year (to verify compliance with the requirements of this section).

Draft
MARIPOSA COUNTY
NOTICE OF EXEMPTION

**TO: County Clerk, County of Mariposa
P.O. Box 247
Mariposa, CA 95338**

**FROM: Mariposa County
Planning Department
P.O. Box 2039
Mariposa, CA 95338**

Project Title: General Plan/Zoning Amendment No. 2017-084; Special Event Facilities

Project Address: Applies countywide

Project Parcels: N/A

Description of Project:	This project amends the Mariposa County General Plan and Zoning Ordinance .to establish policies and regulations to allow and establish development standards and conditions for Special Event Facilities in Rural Areas
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Name of Public Agency Approving Project: Mariposa County Board of Supervisors

Name of Proponent Carrying Out Project: Mariposa County

Exempt Status: Common Sense Exemption; Section 15061(b)(3)

Reason Why Project Is Exempt: This project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) – common sense exemption – (there is no possibility the activity in question may have a significant effect on the environment), CEQA Guidelines. The amendment merely establishes policies in the General Plan to allow consideration of Special Event Facilities in the rural areas of the county, and adds definitions for Special Events and Special Event Facilities and permitting provisions and development standards for such facilities to county code. The amendment does not propose a specific development project.

Lead Agency Contact Person: Sarah Williams, Planning Director

Phone Number: (209) 742-1215

Mariposa County Board of Supervisors
by

Sarah Williams
Planning Director

Date _____

From: [Amy Miller](#)
To: [Sarah Williams](#)
Subject: Special Events Facility
Date: Thursday, June 10, 2021 8:47:29 PM

To Members of the Mariposa County Planning Commission,

I am writing to express my support for the proposed addition of Special Events Facilities in Mariposa County in Agricultural if not even more zoning districts. I'd like to see more special events like music festivals or arts fairs in our area for residents and visitors alike to enjoy public life and community gatherings once again. Sensible regulations for facility management should be simple and not overly burdensome to operators, who have been so hard hit with shutdowns. This proposal sounds like a positive initiative for the future of the County.

Amy Miller
Mariposa