

GRANT REQUEST FORM (GRF)

CEC-270 (Revised 10/2015)

CALIFORNIA ENERGY COMMISSION

New Agreement EPC-17-021 (To be completed by CGL Office)

Division	Agreement Manager:	MS-	Phone
ERDD	Gina Barkalow	43	916-327-1446

Recipient's Legal Name	Federal ID Number
Mariposa County Resource Conservation District (MCRCD)	77-0438850

Title of Project
Mariposa Biomass Project

Term and Amount	Start Date	End Date	Amount
	11/13/2017	12/31/2021	\$ 5,000,000

Business Meeting Information
 ARFVTP agreements under \$75K delegated to Executive Director.

Proposed Business Meeting Date	10/11/2017	<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Discussion
Business Meeting Presenter	Gina Barkalow	Time Needed:	5 minutes

Please select one list serve. EPIC (Electric Program Investment Charge)

Agenda Item Subject and Description

MARIPOSA COUNTY RESOURCE CONSERVATION DISTRICT.
 Proposed resolution adopting California Environmental Quality Act Findings for Mariposa County Resource Conservation District (MCRCD)'s forest waste thermochemical biomass-to-energy conversion facility, and grant agreement for MCRCD's construction of the Mariposa Biomass Project.

i. CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS. Proposed resolution finding that based on the lead agency Mariposa County Planning Department's 2017 Initial Study, Mitigated Negative Declaration (MND), Conditional Use Permit (CUP), and the County's 2018 Resolution approving and adopting the MND and CUP, the proposed project presents no new significant or substantially more severe environmental impacts beyond those already considered.

ii. Proposed resolution approving Agreement EPC-17-021 with Mariposa County Resource Conservation District for a \$5,000,000 grant to fund the design and construction of a forest waste thermochemical biomass-to-energy conversion facility that will annually produce between 15,000 - 18,500 MWh of renewable, community-scale, grid connected electricity.

California Environmental Quality Act (CEQA) Compliance

- Is Agreement considered a "Project" under CEQA?
 - Yes (skip to question 2)
 - No (complete the following (PRC 21065 and 14 CCR 15378)):
 Explain why Agreement is not considered a "Project":
 Agreement will not cause direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment because
- If Agreement is considered a "Project" under CEQA:
 - a) Agreement **IS** exempt. (Attach draft NOE)
 - Statutory Exemption. List PRC and/or CCR section number: _____
 - Categorical Exemption. List CCR section number: _____
 - Common Sense Exemption. 14 CCR 15061 (b) (3)
 Explain reason why Agreement is exempt under the above section:
 - b) Agreement **IS NOT** exempt. (Consult with the legal office to determine next steps.)
 Check all that apply
 - Initial Study
 - Negative Declaration
 - Mitigated Negative Declaration
 - Environmental Impact Report
 - Statement of Overriding Considerations

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List all subcontractors (major and minor) and equipment vendors: (attach additional sheets as necessary)	
Legal Company Name:	Budget
Cortus Energy	\$ 1,614,633
TBD - Electrical	\$ 650,000
TBD - Mechanical & Piping	\$ 900,000
TBD - Utility Interconnect	\$ 650,000
TBD General Contractor	\$ 550,000
General Contractor # 2 TBD	\$ 500,000
	\$
	\$
	\$

EXHIBIT A Scope of Work

I. TASK ACRONYM/TERM LISTS A. Task List

Task #	CPR ¹	Task Name
1		General Project Tasks
2		Project Preparation
3		Interconnect Agreement and Implementation
4	X	Finalize Agreements
5		Design and Engineering
6		Equipment Procurement
7		Equipment Construction and Delivery
8	X	Installation and Commissioning
9		Evaluation of Project Benefits
10		Technology/Knowledge Transfer Activities

B. Acronym/Term List

Acronym/Term	Meaning
BIOMAT	Bioenergy Market Adjusting Tariff
BDT	Bone Dry Tons
BTU	British Thermal Unit
CAM	Commission Agreement Manager
CAO	Commission Agreement Officer
CE	Cortus Energy
CPUC	California Public Utilities Commission
CPR	Critical Project Review
IOU	Investor Owned Utility
kWh	Kilowatt hour
LCOE	Levelized Cost of Electricity
MW	Megawatt
PPA	Power Purchase Agreement
PPR	Program Participant Request
RPS	Renewables Portfolio Standard
SB 1122	Senate Bill 1122
Synthesis gas or Syngas	For purposes of this agreement, synthesis gas or syngas refers to a clean, hydrogen rich, high-BTU gas with minimal nitrogen and tars. The syngas is produced through a thermochemical energy conversion process using biomass such as wood waste from forest management as the feedstock.
TAC	Technical Advisory Committee
WFM	Wood Waste from Forest Management

¹ Please see subtask 1.3 in Part III of the Scope of Work (General Project Tasks) for a description of Critical Project Review (CPR) Meetings.

EXHIBIT A Scope of Work

II. PURPOSE OF AGREEMENT, PROBLEM/SOLUTION STATEMENT, AND GOALS AND OBJECTIVES

A. Purpose of Agreement

The purpose of this Agreement is to fund the design and construction of a thermochemical biomass-to-energy conversion facility for forest wood waste that will have a capacity between 2.0-2.4 Megawatt (MW) annually and produce between 15,000 to 18,500 MWh annually of renewable, community-scale, grid-connected electricity from syngas with minimal emissions and maximum efficiency.

Problem/ Solution Statement

Problem There is a need to demonstrate advanced technologies that can economically convert woody biomass (e.g. dead trees) while meeting emission standards. Mariposa County is “ground zero” for the Tree Mortality Disaster plaguing the Sierras; 90% of pines in Mariposa County’s Ponderosa Basin have been lost from drought/bark beetle infestation. The biggest challenges the project faces are financial viability, collaborating with the local IOU around system interconnect, and getting support from neighbors whose homes are near the Mariposa Industrial Park where the facility will be located. The Mariposa County Planning Department has estimated that 65% of the homes in the 2000 – 6000 ft. elevation range where so much of the population lives are in the conifer or mixed conifer zone and are in danger of having a dead pine tree fall on their houses and other structures. If not removed immediately, the overgrowth from aggressive fire suppression and lack of forest thinning has created enough fuel to cause a fire that could wipe out entire species of trees.

Solution

This project aims to successfully demonstrate the first US deployment of Cortus’ WoodRoll® technology, which allows for flexibility in both feedstock and fuel outputs. The technology uses a 3-stage drying, pyrolysis and gasification process to produce a cleaner syngas, thus reducing costly engine maintenance costs and outages. Further, the project aims to demonstrate WoodRoll® technology heat rates in the 11,590 Btu/kWh range, capacity factors in excess of 88%, operating cost reductions through automation and remote monitoring, as well as extracting biochar for tests to see if it may be well suited for a substitute for activated carbon used in water treatment facilities. Additionally, this facility will provide community and state benefits, including forest ecosystem protection (due to removal of excess forest growth that leads to catastrophic wildfires), watershed protection, air quality benefits, greenhouse gas benefits, local jobs, and renewable power generation to help meet state energy goals. Once commissioned, the facility will annually produce between 15,000 to 18,500 of renewable, community-scale, grid-connected electricity from syngas which will be utilized in a gas engine that is designed to maximize efficiency with low emissions.

B. Goals and Objectives of the Agreement

Agreement Goals

The goal of this project is to demonstrate, deploy, and optimize a forest waste bioenergy technology and assess the performance characteristics and best practices of Wood Waste from Forest Management (WFM) feedstock.

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The primary benefit for ratepayers is the cost effective production of locally sourced renewable electricity, and associated emission reductions from avoiding disposing of forest waste in open burn piles. The project will be located in Mariposa, CA, often referred to as ground zero for the tree mortality disaster – thus essentially all of the fuel will be S.B. 1122² compliant and obtained from a high fire hazard zone. The project is located in PG&E's operating territory. The project intends to secure a power purchase agreement (PPA) from PG&E under the Bioenergy Market Adjusting Tariff (BioMAT) Program. The project has completed the preliminary interconnect study (Rule 21) for both the primary site and a backup site.

The proposed facility will provide community and state benefits, including forest ecosystem protection (due to removal of excess forest growth that leads to catastrophic wildfires), watershed protection, air quality benefits, greenhouse gas benefits, local jobs, and renewable power generation to help meet state energy goals. Once commissioned, the facility will annually produce between 15,000 and 18,500 MWh of renewable, community-scale, grid-connected power from syngas which will be utilized in a gas engine that is designed to maximize efficiency with low emissions.

Successfully navigating the utility's interconnect requirements and processes is a challenge, but the Mariposa Biomass Project team is well suited and equipped to take on the IOU interface and interconnect issues, and longer term, help at the State level in establishing a market and distribution model for biochar.

A successful demonstration installation in Mariposa is a prerequisite to opening the North American market for WoodRoll technology. The Mariposa plant will be a demonstration project for WoodRoll for the North American market. Performance of the Mariposa plant will be monitored and recorded to prove the viability of the process and assist in future marketing efforts. The initial plan is to add similar projects within the S.B. 1122 program in California and from that base spread to other parts of the U.S. The focus will be on small scale power generation but in the future other relevant applications will be targeted. If fuel cell usage develops (both stationary and for transport purposes) renewable hydrogen is an upside target application.

Additional Co-benefits:

- Biochar production
- Annual electricity and thermal savings (kilowatt-hours and therms)
- Energy cost reductions;
- Integration/reliability services;
- Reduced risk of forest fires;
- Net local air quality benefits
- Watershed benefits

² See CPUC D14-12-081 - Decision Implementing Senate Bill 1122, Section 2.2.3 Bioenergy Using Byproducts of Sustainable Forest Management. See Section 2.2.3, pages 21-35 and Conclusions of Law, as applicable pages 80-94 and Appendix B SB 1122 Forest Biomass – Forest Biomass Sustainability Byproduct Eligibility Form: Instructions and Worksheet. <http://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M143/K960/143960061.pdf> Section 2.2.3, page 21-35 and Conclusions of Law, as applicable pages 80-94

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Agreement Objectives

The objectives of this Agreement are to:

- Successfully implement California's first small-scale WFM bioenergy facility producing 2.0-2.4 MW (net) of renewable energy from forest biomass
- Reduce operational costs by using an indirect heating process to produce a cleaner syngas thus reducing engine maintenance costs and unscheduled outages
- Reduce fuel costs by demonstrating heat rates in the 15,590 Btu/kWh range.
- Increase operating revenue by demonstrating capacity factors in excess of 88%
- Reduce operating staff by automation and remote monitoring.
- Create 8 to 10 full time clean energy jobs working at the plant.
- Provide work for local logging and chipping companies to supply biomass fuel.
- Reduce greenhouse gas and particulate emissions by diverting biomass from burn piles and controlled burns and utilizing the biomass as an energy resource in a controlled environment
- Reduce the amount of open pile burning in Mariposa County.
- Reduce the amount of combustible fuels on the forest floor and in residential neighborhoods in Mariposa County.

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III. TASK 1 GENERAL PROJECT TASKS

PRODUCTS

Subtask 1.1 Products

The goal of this subtask is to establish the requirements for submitting project products (e.g., reports, summaries, plans, and presentation materials). Unless otherwise specified by the Commission Agreement Manager (CAM), the Recipient must deliver products as required below by the dates listed in the **Project Schedule (Part V)**. Products that require a draft version are indicated by marking “**(draft and final)**” after the product name in the “Products” section of the task/subtask. If “(draft and final)” does not appear after the product name, only a final version of the product is required. With respect to due dates within this Scope of Work, “**days**” means working days.

The Recipient shall:

For products that require a draft version, including the Final Report Outline and Final Report

- Submit all draft products to the CAM for review and comment in accordance with the Project Schedule (Part V). The CAM will provide written comments to the Recipient on the draft product within 15 days of receipt, unless otherwise specified in the task/subtask for which the product is required.
- Consider incorporating all CAM comments into the final product. If the Recipient disagrees with any comment, provide a written response explaining why the comment was not incorporated into the final product.
- Submit the revised product and responses to comments within 10 days of notice by the CAM, unless the CAM specifies a longer time period, or approves a request for additional time.

For products that require a final version only

- Submit the product to the CAM for acceptance. The CAM may request minor revisions or explanations prior to acceptance.

For all products

- Submit all data and documents required as products in accordance with the following:

Instructions for Submitting Electronic Files and Developing Software:

○ **Electronic File Format**

- Submit all data and documents required as products under this Agreement in an electronic file format that is fully editable and compatible with the Energy Commission’s software and Microsoft (MS)-operating computing platforms, or with any other format approved by the CAM. Deliver an electronic copy of the full
- Text of any Agreement data and documents in a format specified by the CAM, such as memory stick or CD-ROM.

The following describes the accepted formats for electronic data and documents provided to the Energy Commission as products under this Agreement, and establishes the software versions that will be required to review and approve all software products:

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- Data sets will be in MS Access or MS Excel file format (version 2007 or later), or any other format approved by the CAM.
 - Text documents will be in MS Word file format, version 2007 or later.
 - Documents intended for public distribution will be in PDF file format.
 - The Recipient must also provide the native Microsoft file format.
 - Project management documents will be in Microsoft Project file format, version 2007 or later.
- **Software Application Development**
- Use the following standard Application Architecture components in compatible versions for any software application development required by this Agreement (e.g., databases, models, modeling tools), unless the CAM approves other software applications such as open source programs:
- Microsoft ASP.NET framework (version 3.5 and up). Recommend 4.0.
 - Microsoft Internet Information Services (IIS), (version 6 and up) Recommend 7.5.
 - Visual Studio.NET (version 2008 and up). Recommend 2010.
 - C# Programming Language with Presentation (UI), Business Object and Data Layers.
 - SQL (Structured Query Language).
 - Microsoft SQL Server 2008, Stored Procedures. Recommend 2008 R2.
 - Microsoft SQL Reporting Services. Recommend 2008 R2.
 - XML (external interfaces).

Any exceptions to the Electronic File Format requirements above must be approved in writing by the CAM. The CAM will consult with the Energy Commission's Information Technology Services Branch to determine whether the exceptions are allowable.

MEETINGS

Subtask 1.2 Kick-off Meeting

The goal of this subtask is to establish the lines of communication and procedures for implementing this Agreement.

The Recipient shall:

- Attend a "Kick-off" meeting with the CAM, the Commission Agreement Officer (CAO), and any other Energy Commission staff relevant to the Agreement. The Recipient will bring its Project Manager and any other individuals designated by the CAM to this meeting. The administrative and technical aspects of the Agreement will be discussed at the meeting. Prior to the meeting, the CAM will provide an agenda to all potential meeting participants. The meeting may take place in person or by electronic conferencing (e.g., WebEx), with approval of the CAM.

The administrative portion of the meeting will include discussion of the following:

- Terms and conditions of the Agreement;
- Administrative products (subtask 1.1);
- CPR meetings (subtask 1.3);
- Match fund documentation (subtask 1.7);
- Permit documentation (subtask 1.8);

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- Subcontracts (subtask 1.9); and
- Any other relevant topics.

The technical portion of the meeting will include discussion of the following:

- The CAM's expectations for accomplishing tasks described in the Scope of Work;
 - An updated Project Schedule;
 - Technical products (subtask 1.1);
 - Progress reports and invoices (subtask 1.5);
 - Final Report (subtask 1.6);
 - Technical Advisory Committee meetings (subtasks 1.10 and 1.11); and
 - Any other relevant topics.
- Provide an Updated Project Schedule, List of Match Funds, and List of Permits, as needed to reflect any changes in the documents.

The CAM shall:

- Designate the date and location of the meeting.
- Send the Recipient a Kick-off Meeting Agenda.

Recipient Products:

- Updated Project Schedule (if applicable)
- Updated List of Match Funds (if applicable)
- Updated List of Permits (if applicable)

CAM Product:

- Kick-off Meeting Agenda

Subtask 1.3 Critical Project Review (CPR) Meetings

The goal of this subtask is to determine if the project should continue to receive Energy Commission funding, and if so whether any modifications must be made to the tasks, products, schedule, or budget. CPR meetings provide the opportunity for frank discussions between the Energy Commission and the Recipient. As determined by the CAM, discussions may include project status, challenges, successes, advisory group findings and recommendations, final report preparation, and progress on technical transfer and production readiness activities (if applicable). Participants will include the CAM and the Recipient, and may include the CAO and any other individuals selected by the CAM to provide support to the Energy Commission.

CPR meetings generally take place at key, predetermined points in the Agreement, as determined by the CAM and as shown in the Task List on page 1 of this Exhibit. However, the CAM may schedule additional CPR meetings as necessary. The budget will be reallocated to cover the additional costs borne by the Recipient, but the overall Agreement amount will not increase. CPR meetings generally take place at the Energy Commission, but they may take place at another location, or may be conducted via electronic conferencing (e.g., WebEx) as determined by the CAM.

The Recipient shall:

- Prepare a CPR Report for each CPR meeting that: (1) discusses the progress of the Agreement toward achieving its goals and objectives; and (2) includes recommendations and conclusions regarding continued work on the project.

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- Submit the CPR Report along with any other Task Products that correspond to the technical task for which the CPR meeting is required (i.e., if a CPR meeting is required for Task 2, submit the Task 2 products along with the CPR Report).
- Attend the CPR meeting.
- Present the CPR Report and any other required information at each CPR meeting.

The CAM shall:

- Determine the location, date, and time of each CPR meeting with the Recipient's input.
- Send the Recipient a CPR Agenda and a List of Expected CPR Participants in advance of the CPR meeting. If applicable, the agenda will include a discussion of match funding and permits.
- Conduct and make a record of each CPR meeting. Provide the Recipient with a Schedule for Providing a Progress Determination on continuation of the project.
- Determine whether to continue the project, and if so whether modifications are needed to the tasks, schedule, products, or budget for the remainder of the Agreement. If the CAM concludes that satisfactory progress is not being made, this conclusion will be referred to the Deputy Director of the Energy Research and Development Division.
- Provide the Recipient with a Progress Determination on continuation of the project, in accordance with the schedule. The Progress Determination may include a requirement that the Recipient revise one or more products.

Recipient Products:

- CPR Report(s)
- Task Products (draft and/or final as specified in the task)

CAM Products:

- CPR Agenda
- List of Expected CPR Participants
- Schedule for Providing a Progress Determination
- Progress Determination

Subtask 1.4 Final Meeting

The goal of this subtask is to complete the closeout of this Agreement.

The Recipient shall:

- Meet with Energy Commission staff to present project findings, conclusions, and recommendations. The final meeting must be completed during the closeout of this Agreement. This meeting will be attended by the Recipient and CAM, at a minimum. The meeting may occur in person or by electronic conferencing (e.g., WebEx), with approval of the CAM.

The technical and administrative aspects of Agreement closeout will be discussed at the meeting, which may be divided into two separate meetings at the CAM's discretion.

- The technical portion of the meeting will involve the presentation of findings, conclusions, and recommended next steps (if any) for the Agreement. The CAM will determine the appropriate meeting participants.
- The administrative portion of the meeting will involve a discussion with the CAM and the CAO of the following Agreement closeout items:
 - Disposition of any state-owned equipment.

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- Need to file a Uniform Commercial Code Financing Statement (Form UCC-1) regarding the Energy Commission's interest in patented technology.
 - The Energy Commission's request for specific "generated" data (not already provided in Agreement products).
 - Need to document the Recipient's disclosure of "subject inventions" developed under the Agreement.
 - "Surviving" Agreement provisions such as repayment provisions and confidential products.
 - Final invoicing and release of retention.
-
- Prepare a Final Meeting Agreement Summary that documents any agreement made between the Recipient and Commission staff during the meeting.
 - Prepare a Schedule for Completing Agreement Closeout Activities.
 - Provide All Draft and Final Written Products on a CD-ROM or USB memory stick, organized by the tasks in the Agreement.

Products:

- Final Meeting Agreement Summary (if applicable)
- Schedule for Completing Agreement Closeout Activities
- All Draft and Final Written Products

REPORTS AND INVOICES

Subtask 1.5 Progress Reports and Invoices

The goals of this subtask are to: (1) periodically verify that satisfactory and continued progress is made towards achieving the project objectives of this Agreement; and (2) ensure that invoices contain all required information and are submitted in the appropriate format.

The Recipient shall:

- Submit a monthly Progress Report to the CAM. Each progress report must:
 - Summarize progress made on all Agreement activities as specified in the scope of work for the preceding month, including accomplishments, problems, milestones, products, schedule, fiscal status, and an assessment of the ability to complete the Agreement within the current budget and any anticipated cost overruns. See the Progress Report Format Attachment for the recommended specifications.
 - Include information on feedstock types (including categorization as primary and other) and quantity (wet/dry tons) with the progress reports and, at the end of the year, the report should include the total annual amounts by feedstock types³).
- Submit a monthly or quarterly Invoice that follows the instructions in the "Payment of Funds" section of the terms and conditions, including a financial report on Match Fund and in-state expenditures.

³ See CPUC D14-12-081 - Decision Implementing Senate Bill 1122, Section 2.2.3 Bioenergy Using Byproducts of Sustainable Forest Management. See Section 2.2.3, pages 21-35 and Conclusions of Law, as applicable pages 80-94 and Appendix B SB 1122 Forest Biomass – Forest Biomass Sustainability Byproduct Eligibility Form: Instructions and Worksheet. <http://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M143/K960/143960061.pdf>

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Products:

- Progress Reports
- Invoices

Subtask 1.6 Final Report

The goal of this subtask is to prepare a comprehensive Final Report that describes the original purpose, approach, results, and conclusions of the work performed under this Agreement. The CAM will review the Final Report, which will be due at least **two months** before the Agreement end date. When creating the Final Report Outline and the Final Report, the Recipient must use the Style Manual provided by the CAM.

Subtask 1.6.1 Final Report Outline

The Recipient shall:

- Prepare a Final Report Outline in accordance with the Style Manual provided by the CAM. (See Task 1.1 for requirements for draft and final products.)

Recipient Products:

- Final Report Outline (draft and final)

CAM Product:

- Style Manual
- Comments on Draft Final Report Outline
- Acceptance of Final Report Outline

Subtask 1.6.2 Final Report

The Recipient shall:

- Prepare a Final Report for this Agreement in accordance with the approved Final Report Outline, Style Manual, and Final Report Template provided by the CAM with the following considerations:
 - Ensure that the report includes the following items, in the following order:
 - Cover page (**required**)
 - Credits page on the reverse side of cover with legal disclaimer (**required**)
 - Acknowledgements page (optional)
 - Preface (**required**)
 - Abstract, keywords, and citation page (**required**)
 - Table of Contents (**required**, followed by List of Figures and List of Tables, if needed)
 - Executive summary (**required**)
 - Body of the report (**required**)
 - References (if applicable)
 - Glossary/Acronyms (If more than 10 acronyms or abbreviations are used, it is required.)
 - Bibliography (if applicable)
 - Appendices (if applicable) (Create a separate volume if very large.)
 - Attachments (if applicable)
 - Ensure that the document is written in the third person.
 - Ensure that the Executive Summary is understandable to the lay public.

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- Briefly summarize the completed work. Succinctly describe the project results and whether or not the project goals were accomplished.
- Identify which specific ratepayers can benefit from the project results and how they can achieve the benefits.
- If it's necessary to use a technical term in the Executive Summary, provide a brief definition or explanation when the technical term is first used.
- Follow the Style Guide format requirements for headings, figures/tables, citations, and acronyms/abbreviations.
- Ensure that the document omits subjective comments and opinions. However, recommendations in the conclusion of the report are allowed.
- Include a brief description of the project results in the Abstract.
- Submit a draft of the report to the CAM for review and comment. The CAM will provide written comments to the Recipient on the draft product within 15 days of receipt
- Consider incorporating all CAM comments into the Final Report. If the Recipient disagrees with any comment, provide a written response explaining why the comment was not incorporated into the final product
- Submit the revised Final Report and responses to comments within 10 days of notice by the CAM, unless the CAM specifies a longer time period or approves a request for additional time.
- Submit one bound copy of the Final Report to the CAM along with Written Responses to Comments on the Draft Final Report.

Products:

- Final Report (draft and final)
- Written Responses to Comments on the Draft Final Report

CAM Product:

- Written Comments on the Draft Final Report

MATCH FUNDS, PERMITS, AND SUBCONTRACTS

Subtask 1.7 Match Funds

The goal of this subtask is to ensure that the Recipient obtains any match funds planned for this Agreement and applies them to the Agreement during the Agreement term.

While the costs to obtain and document match funds are not reimbursable under this Agreement, the Recipient may spend match funds for this task. The Recipient may only spend match funds during the Agreement term, either concurrently or prior to the use of Energy Commission funds. Match funds must be identified in writing, and the Recipient must obtain any associated commitments before incurring any costs for which the Recipient will request reimbursement.

The Recipient shall:

- Prepare a Match Funds Status Letter that documents the match funds committed to this Agreement. If no match funds were part of the proposal that led to the Energy Commission awarding this Agreement and none have been identified at the time this Agreement starts, then state this in the letter.

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If match funds were a part of the proposal that led to the Energy Commission awarding this Agreement, then provide in the letter:

- A list of the match funds that identifies:
 - The amount of cash match funds, their source(s) (including a contact name, address, and telephone number), and the task(s) to which the match funds will be applied.
 - The amount of each in-kind contribution, a description of the contribution type (e.g., property, services), the documented market or book value, the source (including a contact name, address, and telephone number), and the task(s) to which the match funds will be applied. If the in-kind contribution is equipment or other tangible or real property, the Recipient must identify its owner and provide a contact name, address, telephone number, and the address where the property is located.
 - A copy of a letter of commitment from an authorized representative of each source of match funding that the funds or contributions have been secured.
- At the Kick-off meeting, discuss match funds and the impact on the project if they are significantly reduced or not obtained as committed. If applicable, match funds will be included as a line item in the progress reports and will be a topic at CPR meetings.
- Provide a Supplemental Match Funds Notification Letter to the CAM of receipt of additional match funds.
- Provide a Match Funds Reduction Notification Letter to the CAM if existing match funds are reduced during the course of the Agreement. Reduction of match funds may trigger a CPR meeting.

Products:

- Match Funds Status Letter
- Supplemental Match Funds Notification Letter (if applicable)
- Match Funds Reduction Notification Letter (if applicable)

Subtask 1.8 Permits

The goal of this subtask is to obtain all permits required for work completed under this Agreement in advance of the date they are needed to keep the Agreement schedule on track. Permit costs and the expenses associated with obtaining permits are not reimbursable under this Agreement, with the exception of costs incurred by University of California recipients. Permits must be identified and obtained before the Recipient may incur any costs related to the use of the permit(s) for which the Recipient will request reimbursement.

The Recipient shall:

- Prepare a Permit Status Letter that documents the permits required to conduct this Agreement. If no permits are required at the start of this Agreement, then state this in the letter. If permits will be required during the course of the Agreement, provide in the letter:
 - A list of the permits that identifies: (1) the type of permit; and (2) the name, address, and telephone number of the permitting jurisdictions or lead agencies.
 - The schedule the Recipient will follow in applying for and obtaining the permits.

The list of permits and the schedule for obtaining them will be discussed at the Kick-off meeting (subtask 1.2), and a timetable for submitting the updated list, schedule, and copies of the permits will be developed. The impact on the project if the permits are not obtained in a timely fashion or are denied will also be discussed. If applicable, permits will be included as a line item in progress reports and will be a topic at CPR meetings.

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- If during the course of the Agreement additional permits become necessary, then provide the CAM with an Updated List of Permits (including the appropriate information on each permit) and an Updated Schedule for Acquiring Permits.
- Send the CAM a Copy of Each Approved Permit.
- If during the course of the Agreement permits are not obtained on time or are denied, notify the CAM within 5 days. Either of these events may trigger a CPR meeting.

Products:

- Permit Status Letter
- Updated List of Permits (if applicable)
- Updated Schedule for Acquiring Permits (if applicable)
- Copy of Each Approved Permit (if applicable)

Subtask 1.9 Subcontracts

The goals of this subtask are to: (1) procure subcontracts required to carry out the tasks under this Agreement; and (2) ensure that the subcontracts are consistent with the terms and conditions of this Agreement.

The Recipient shall:

- Manage and coordinate subcontractor activities in accordance with the requirements of this Agreement.
- Incorporate this Agreement by reference into each subcontract.
- Include any required Energy Commission flow-down provisions in each subcontract, in addition to a statement that the terms of this Agreement will prevail if they conflict with the subcontract terms.
- If required by the CAM, submit a draft of each Subcontract required to conduct the work under this Agreement.
- Submit a final copy of the executed subcontract.
- Notify and receive written approval from the CAM prior to adding any new subcontractors (see the discussion of subcontractor additions in the terms and conditions).

Products:

- Subcontracts (draft if required by the CAM)

TECHNICAL ADVISORY COMMITTEE

Subtask 1.10 Technical Advisory Committee (TAC)

The goal of this subtask is to create an advisory committee for this Agreement. The TAC should be composed of diverse professionals. The composition will vary depending on interest, availability, and need. TAC members will serve at the CAM's discretion. The purpose of the TAC is to:

- Provide guidance in project direction. The guidance may include scope and methodologies, timing, and coordination with other projects. The guidance may be based on:
 - Technical area expertise;
 - Knowledge of market applications; or
 - Linkages between the agreement work and other past, present, or future projects (both public and private sectors) that TAC members are aware of in a particular area.

EXHIBIT A

Scope of Work

- Review products and provide recommendations for needed product adjustments, refinements, or enhancements.
- Evaluate the tangible benefits of the project to the state of California, and provide recommendations as needed to enhance the benefits.
- Provide recommendations regarding information dissemination, market pathways, or commercialization strategies relevant to the project products.

The TAC may be composed of qualified professionals spanning the following types of disciplines:

- Researchers knowledgeable about the project subject matter;
- Members of trades that will apply the results of the project (e.g., designers, engineers, architects, contractors, and trade representatives);
- Public interest market transformation implementers;
- Product developers relevant to the project;
- U.S. Department of Energy research managers, or experts from other federal or state agencies relevant to the project;
- Public interest environmental groups;
- Utility representatives;
- Air district staff; and
- Members of relevant technical society committees.

The Recipient shall:

- Prepare a List of Potential TAC Members that includes the names, companies, physical and electronic addresses, and phone numbers of potential members. The list will be discussed at the Kick-off meeting, and a schedule for recruiting members and holding the first TAC meeting will be developed.
- Recruit TAC members. Ensure that each individual understands member obligations and the TAC meeting schedule developed in subtask 1.11.
- Prepare a List of TAC Members once all TAC members have committed to serving on the TAC.
- Submit Documentation of TAC Member Commitment (such as Letters of Acceptance) from each TAC member.

Products:

- List of Potential TAC Members
- List of TAC Members
- Documentation of TAC Member Commitment

Subtask 1.11 TAC Meetings

The goal of this subtask is for the TAC to provide strategic guidance for the project by participating in regular meetings, which may be held via teleconference.

EXHIBIT A

Scope of Work

The Recipient shall:

- Discuss the TAC meeting schedule with the CAM at the Kick-off meeting. Determine the number and location of meetings (in-person and via teleconference) in consultation with the CAM.
- Prepare a TAC Meeting Schedule that will be presented to the TAC members during recruiting. Revise the schedule after the first TAC meeting to incorporate meeting comments.
- Prepare a TAC Meeting Agenda and TAC Meeting Back-up Materials for each TAC meeting.
- Organize and lead TAC meetings in accordance with the TAC Meeting Schedule. Changes to the schedule must be pre-approved in writing by the CAM.
- Prepare TAC Meeting Summaries that include any recommended resolutions of major TAC issues.

Products:

- TAC Meeting Schedule (draft and final)
- TAC Meeting Agendas (draft and final)
- TAC Meeting Back-up Materials
- TAC Meeting Summaries

EXHIBIT A

Scope of Work

IV. TECHNICAL TASKS

Products that require a draft version are indicated by marking “(draft and final)” after the product name in the “Products” section of the task/subtask. If “(draft and final)” does not appear after the product name, only a final version of the product is required. **Subtask 1.1 (Products)** describes the procedure for submitting products to the CAM.

TASK 2 PROJECT PREPARATION

The goal of this task is to secure the project site(s) and develop a detailed Measurement and Verification Plan.

Subtask 2.1 Execute an Agreement with the Selected Deployment Site

The goals of this task are to: confirm the availability of the project deployment site; and (2) execute any agreements necessary to secure the demonstration site.

The Recipient shall:

- Reach agreement with the manager(s) of the selected deployment site(s) regarding the project timeline, space reserved for the project, equipment installation, permit and insurance requirements, indemnity, and the Recipient’s use of any removal or support staff.
- For any changes in site location, Recipient must check with their CAM or CAO who will provide guidance regarding the level of Commission approval required.
- Prepare and provide a *Site Readiness Verification Document* (e.g. Copy of Contract, Lease Agreement, Memorandum of Understanding).

Products:

- Site Readiness Verification Document

Subtask 2.2 Project Measurement and Verification

The goal of this subtask is to develop a detailed Measurement and Verification Plan which includes the assessment of performance characteristics and best practices for the thermochemical biomass-to-energy conversion facility and WWFM feedstock.

The Recipient shall:

- Develop a detailed *Measurement and Verification Plan* to include but not be limited to:
 - A description of the monitoring equipment and instrumentation.
 - A description of the key input parameters and output metrics which will be measured to help determine performance characteristics and best practices for the thermochemical biomass-to-energy conversion facility and WWFM feedstock, including but not limited to:
 - Continuously monitor operational hours and availability for generating power (and biochar);
 - Feedstock consumption rates, ton per hour, day, month and annum as well as the output in term of generated electricity (MWh) and the selected production rate of biochar in term of ton per day, month and annum;
 - Feedstock weighed and inspected per delivery to ensure it meets the agreed criteria for origin, type, particle size, moisture content, cleanliness

EXHIBIT A Scope of Work

and applicability for BioMAT Category 3 feedstock requirements⁴ (note feedstock reporting requirements in Task 1.5);

- Residence time in the gasifier designed for achieving full conversion of steam and char into syngas and the only residue is the inorganic ash;
 - Ash analyzed within set weekly intervals to monitor the conversion rate (of steam and char);
 - Syngas composition (H₂, CO, CH₄, CO₂ and H₂O) and heating value continuously monitored before and after the syngas cooler; and
 - Further analyses of syngas samples to monitor impurities planned at weekly intervals. Note that intervals for the different sampling at the implemented plant is subject to change with achieved operational experience
- A description of the analysis methods to be employed.

Products:

- Measurement and Verification Plan (draft and final)

TASK 3 INTERCONNECT AGREEMENT AND IMPLEMENTATION

Following the completion of the System Impact Study with Pacific Gas & Electric (PG&E), the goal of this task is to complete the Interconnect Agreement and physically complete the installation connecting the electricity production facility to the grid.

The Recipient shall:

- Review and respond to proposed Interconnect Agreement
- Execute and provide the final *Interconnect Agreement*
- Tender payment for Interconnect Fee
- Engineer, design, procure and construct interconnection
- Coordinate pre-parallel inspection and commissioning to achieve Commercial Operation
- Coordinate final connection to grid
- Report on inspection and commissioning – including documentation of final interconnection to grid in an *Inspection and Commissioning Memo*

Products:

- Interconnect Agreement
- Inspection and Commissioning Memo (draft and final)

TASK 4 FINALIZE AGREEMENTS

The goal of this task is to finalize feedstock agreements, participate in BioMAT process finalize the PPA and become pre-certified in the Renewables Portfolio Standard (RPS) program.

⁴ See CPUC D14-12-081 - Decision Implementing Senate Bill 1122, Section 2.2.3 Bioenergy Using Byproducts of Sustainable Forest Management. See Section 2.2.3, pages 21-35 and Conclusions of Law, as applicable pages 80-94 and Appendix B SB 1122 Forest Biomass – Forest Biomass Sustainability Byproduct Eligibility Form: Instructions and Worksheet. <http://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M143/K960/143960061.pdf>

EXHIBIT A

Scope of Work

The Recipient shall:

- Negotiate and execute finalized *Feedstock Agreements* and provide a copy to CAM.
- Submit to the CPUC Program Participant Request (*PPR*) *Application Package*, supporting documentation and application fee to participate in BioMAT process and provide copy to CAM
- Negotiate and execute *PPA* and provide a copies to CAM
- Apply for *RPS pre-certification*
- Prepare a CPR Report #1 and participate in CPR Meeting as described in subtask 1.3

Products:

- Copies of Final Feedstock Agreements
- Copy of PPR Application Package
- Copies of Final PPA
- Copy of RPS pre-certification application
- CPR Report #1

TASK 5 DESIGN AND ENGINEERING

The goal of this task is to complete the permitting, design and engineering of the biomass generation facility

The Recipient shall:

- Create the layout and footprint drawings
- Confirm heat and mass balances from reference plant in Sweden
- Set and provide a *Cost Budget* that will include the complete CAPEX budget to implement the project including training and documentation
- Generate and provide the *Bill of Materials* that will include a listing of equipment items (per process block) for the gasification (WoodRoll) and genset parts including control room and feedstock handling. (Some material will not be specified on item level e.g. piping and insulation.)
- Coordinate and review documentation for production and assembly
- Complete the *Final Biomass Generation Facility Design* and provide a copy to the CAM
- Complete final engineering of the facility

Products:

- Cost budget (draft and final)
- Bill of Materials (draft and final)
- Final Biomass Generation Facility Design (draft and final)

TASK 6 EQUIPMENT PROCUREMENT

The goal of this task is to place an order to the manufacturer for equipment, including equipment that requires processing and delivery.

The Recipient shall:

- Develop and provide a *List of Equipment*.
- Finalize negotiation and agreement specifications.

EXHIBIT A

Scope of Work

- Notify CAM of *Intention to Purchase Equipment using Energy Commission funds* and get CAM approval to place the equipment order
- Place order for all equipment and parts that require processing and delivery time and provide a *Shipment and Delivery Schedule*.

Products:

- List of Equipment (draft and final)
- Notification of Intention to Purchase Equipment using Energy Commission funds (draft and final)
- Shipment and Delivery Schedule (draft and final)

TASK 7 EQUIPMENT CONSTRUCTION AND DELIVERY

The goal of this task is to assemble the gasifier modules at a third party supplier's factory in Sweden, transport modules by truck and sea and to confirm the delivery of the equipment in Mariposa. This task also includes ordering and delivery of the gas engines, bought through a California-based entity and delivered to Mariposa.

The Recipient shall:

- Complete full functional cold testing
- Provide quality assurance checks on key components of the system.
- Track and report movement of shipment per *Equipment Construction and Delivery Order Forms* and provide copies to CAM.
- Track and inventory all equipment arriving at the site.
- Perform and provide *Factory Acceptance Tests*

Products:

- Copies of Equipment Construction and Delivery Order Forms
- Factory Acceptance Tests

TASK 8 INSTALLATION AND COMMISSIONING

The goal of this task is to assemble the modules and gas engines, perform start-up of the WoodRoll system, implement the measurement and verification plan and commission the plant into operation.

The Recipient shall:

- Establish and provide a *Start-up Test Plan*
 - Provide quality assurance checks on key components of the system.
 - Coordinate placement and logistics for off-loading equipment and component skids.
 - Install equipment on their respective foundations.
 - Perform necessary checks of the system prior to start-up and address any findings from prestart check list and take corrective actions.
- Begin initial operation and provide an *Initial Operation Results*
 - Perform start-up and commission system into service.
 - Troubleshoot any issues identified.
- Collect operational data, analyze and report (see Task 2.2 Measurement and Verification Plan) and provide an *Operation, Monitoring and Verification Report*.

EXHIBIT A Scope of Work

- As directed by the CAM, prepare a CPR Report #2 and participate in CPR Meeting as described in subtask 1.3

Products:

- Start-up Test Plan (draft and final)
- Initial Operation Results
- Operation, Monitoring and Verification Report (draft and final)
- CPR Report #2, as needed

TASK 9 EVALUATION OF PROJECT BENEFITS

The goal of this task is to report the benefits resulting from this project.

The Recipient shall:

- Complete three Project Benefits Questionnaires that correspond to three main intervals in the Agreement: (1) Kick-off Meeting Benefits Questionnaire; (2) Mid-term Benefits Questionnaire; and (3) Final Meeting Benefits Questionnaire. Update Attachment 12 Cost and Benefit Calculations and Small-Scale Bioenergy Levelized Cost of Electricity (LCOE) calculator. If not using LCOE calculator, clearly explain why not applicable, provide other cost measures and justify the measures.
- Provide all key assumptions used to estimate projected benefits, including targeted market sector (e.g., population and geographic location), projected market penetration, baseline and projected energy use and cost, operating conditions, and emission reduction calculations. Examples of information that may be requested in the questionnaires include:
 - For Product Development Projects and Project Demonstrations:
 - Published documents, including date, title, and periodical name.
 - Estimated or actual energy and cost savings, and estimated statewide energy savings once market potential has been realized. Identify all assumptions used in the estimates.
 - Greenhouse gas and criteria emissions reductions.
 - Other non-energy benefits such as reliability, public safety, lower operational cost, environmental improvement, indoor environmental quality, and societal benefits.
 - Data on potential job creation, market potential, economic development, and increased state revenue as a result of the project.
 - A discussion of project product downloads from websites, and publications in technical journals.
 - A comparison of project expectations and performance. Discuss whether the goals and objectives of the Agreement have been met and what improvements are needed, if any.
 - Additional Information for Product Development Projects:
 - Outcome of product development efforts, such copyrights and license agreements.
 - Units sold or projected to be sold in California and outside of California.
 - Total annual sales or projected annual sales (in dollars) of products developed under the Agreement.

EXHIBIT A Scope of Work

- Investment dollars/follow-on private funding as a result of Energy Commission funding.
- Patent numbers and applications, along with dates and brief descriptions.
- Additional Information for Product Demonstrations:
 - Outcome of demonstrations and status of technology.
 - Number of similar installations.
 - Jobs created/retained as a result of the Agreement.
- For Information/Tools and Other Research Studies:
 - Outcome of project.
 - Published documents, including date, title, and periodical name.
 - A discussion of policy development. State if the project has been cited in government policy publications or technical journals, or has been used to inform regulatory bodies.
 - The number of website downloads.
 - An estimate of how the project information has affected energy use and cost, or has resulted in other non-energy benefits.
 - An estimate of energy and non-energy benefits.
 - Data on potential job creation, market potential, economic development, and increased state revenue as a result of project.
 - A discussion of project product downloads from websites, and publications in technical journals.
 - A comparison of project expectations and performance. Discuss whether the goals and objectives of the Agreement have been met and what improvements are needed, if any.
- Respond to CAM questions regarding responses to the questionnaires.

The Energy Commission may send the Recipient similar questionnaires after the Agreement term ends. Responses to these questionnaires will be voluntary.

Products:

- Kick-off Meeting Benefits Questionnaire, Attachment 12 Cost and Benefits Calculations, LCOE calculator or other, as applicable.
- Mid-term Benefits Questionnaire, Attachment 12 Cost and Benefits Calculations, LCOE calculator or other, as applicable.
- Final Meeting Benefits Questionnaire, Attachment 12 Cost and Benefits Calculations, LCOE calculator or other, as applicable.

TASK 10 TECHNOLOGY/KNOWLEDGE TRANSFER ACTIVITIES

The goal of this task is to develop a plan to make the knowledge gained, experimental results, and lessons learned available to the public and key decision makers.

The Recipient shall:

- Prepare an Initial Fact Sheet at start of the project that describes the project. Use the format provided by the CAM.
- Prepare a Final Project Fact Sheet at the project's conclusion that discusses results. Use the format provided by the CAM.
- Prepare a Technology/Knowledge Transfer Plan that includes:

EXHIBIT A Scope of Work

- An explanation of how the knowledge gained from the project will be made available to the public, including the targeted market sector and potential outreach to end users, utilities, regulatory agencies, and others.
- A description of the intended use(s) for and users of the project results.
- Published documents, including date, title, and periodical name.
- Copies of documents, fact sheets, journal articles, press releases, and other documents prepared for public dissemination. These documents must include the Legal Notice required in the terms and conditions. Indicate where and when the documents were disseminated.
- A discussion of policy development. State if project has been or will be cited in government policy publications, or used to inform regulatory bodies.
- The number of website downloads or public requests for project results.
- Additional areas as determined by the CAM.
- Conduct technology transfer activities in accordance with the Technology/Knowledge Transfer Plan. These activities will be reported in the Progress Reports.
- When directed by the CAM, develop Presentation Materials for an Energy Commission-sponsored conference/workshop(s) on the project.
- When directed by the CAM, participate in annual EPIC symposium(s) sponsored by the California Energy Commission.
- Provide at least (6) six High Quality Digital Photographs (minimum resolution of 1300x500 pixels in landscape ratio) of pre and post technology installation at the project sites or related project photographs.
- Prepare a Technology/Knowledge Transfer Report on technology transfer activities conducted during the project.

Products:

- Initial Fact Sheet (draft and final)
- Final Project Fact Sheet (draft and final)
- Presentation Materials (draft and final)
- High Quality Digital Photographs
- Technology/Knowledge Transfer Plan (draft and final)
- Technology/Knowledge Transfer Report (draft and final)

V. PROJECT SCHEDULE

Please see the attached Excel spreadsheet. Without the Project Schedule in the Excel Attachment, the proposal will fail screening.

M e m o r a n d u m

To: EPC-17-021, Mariposa County Resource Conservation District (MCRCD), Mariposa Biomass Project,
CEQA Analysis Date: March 9, 2018

Telephone: 916-327-1446

From: Gina Barkalow

Subject: California Environmental Quality Act Analysis for EPC-17-017

I am an Electric Generation System Specialist I, California Energy Commission, and am the Commission's Agreement Manager for proposed Agreement EPC-17-017 ("Agreement").

The proposed Agreement with the Mariposa County Resource Conservation District (MCRCD) will fund the Mariposa Biomass Project ("Project"). The Project includes the design and construction of an up to 2.4 Megawatt (MW)(net) forest waste thermochemical biomass-to-energy conversion facility that will annually produce up to 18,500 MWh annually of renewable, community-scale, grid-connected electricity from syngas with minimal emissions and maximum efficiency. As described in the California Environmental Quality Act (CEQA) documentation (to be discussed later) the Project proposes the following:

- The construction of a 2.4 MW community based bioenergy facility and woodchip storage yard.
- The facility will include several new structures including a gasification plant, engine generator enclosure, fire water tank, ash storage bin, feed system, electrical equipment enclosure and control room (8,600 square feet of new structures).
- Feedstock storage is proposed to occur on Parcel 3, while the biomass facilities will be located on Parcel 4.
- Access is proposed from Highway 49 No. to Gold Leaf Road, onto Copper Leaf Drive and driveway encroachments on Copper Leaf Drive.
- Access for the delivery trucks will be a new driveway on Parcel 3 six days a week.
- Truck deliveries will be limited to 7am to 5pm, 6 days per week.
- The facility is expected to receive 3-4 chip trailer deliveries in addition to 8 to 10 small dump truck deliveries per day. The site is not proposed to be a public dump site. There will be no residential drop off of materials at the site.
- The facility will operate 24 hours a day, 7 days a week.
- 8 employees are proposed, although up to 10 employees may be required.
- Water for the project is proposed by a shared well that produced 20 gpm at time of installation. The project applicant states that the project's water use will be 1.5 gpm.
- 60 pounds per day of sludge will be generated by the facility which is proposed to be disposed of at the Mariposa County Landfill or other appropriately permitted site.
- 1.2 tons per day of dry ash will be generated by the facility and is proposed to be disposed of at the Mariposa County Landfill or other appropriately permitted site.

The Project is on two parcels in Mariposa County zoned for industrial use and is located within the Mariposa Industrial Park approved by the County in 1987 as Planned Development Zone PDZ-87-1.¹ In 2006, an MND was prepared for the division of parcels within the Mariposa Industrial Park, referred to as the Land Division Application Mitigated Negative Declaration (LDA MND).² The Project's Initial Study

¹ http://www.energy.ca.gov/business_meetings/index.html California Energy Commission Business Meeting March 21, 2018, Back-Up Materials - Item 02 EPC-17-021UPDATED.pdf

² Ibid.

and subsequent MND incorporate the standards and requirements of the PDZ-87-1 and the LDA MND, and, Mariposa County concluded that a “supplemental” MND be prepared for the project.³

The CEQA documents for the Project, including the Initial Study, Conditional Use Permit, “supplemental” MND, and excerpts from the PDZ-87-1, are available at the Mariposa County webpage.⁴

On February 23, 2018, the Mariposa County Planning Commission adopted Resolution no. 2018-006 approving the Mariposa Biomass Project Conditional Use Permit No. 2017-117 with findings, conditions and mitigation measures and approved the Subsequent Mitigated Negative Declaration (SCH 2018011038).⁵

Pursuant to my work in developing the Agreement, including the Scope of Work for the Agreement, I have reviewed the Mariposa County Initial Study, the Conditional Use Permit and the subsequent MND. In the Initial Study, Mariposa County identified and analyzed nineteen environmental factors from the environmental checklist for potential impacts. Thirteen criteria were determined to have “No Impact” or “Less than Significant Impact,” and six areas were determined to have at least one potential impact. All the potential impacts were addressed with mitigation measures, reducing all potential impacts to a level of “Less than Significant with Mitigation.”

Mariposa County identified from the checklist the following sixteen categories as “No Impact” or “Less than Significant:” Aesthetics, Agricultural/Forest Resources, Cultural Resources, Geology/Soils, Greenhouse Gas Emissions, Hazards/ Hazard Materials, Hydrology/Water Quality, Land Use/Planning, Mineral Resources, Population/Housing, Recreation, Tribal Cultural Resources, and Mandatory Findings of Significance (page 42 of the Initial Study).

Mariposa County specified mitigation strategies for six as “Less than Significant with Mitigation with Mitigation:” Air Quality, Biological Resources, Noise, Public Services, Transportation/Traffic, and Utilities/Service System (page 42 of the Initial Study).

Based on my review and consideration of the above documents, it is my professional opinion that, since the above CEQA documents have been finalized, there have been no new project changes, and no new, additional, or increased significant environmental impacts have occurred. Furthermore, I have not identified any new information which would change the conclusions of the County of Mariposa CEQA documents, or render those conclusions inadequate.

It is also my professional opinion that the work to be performed under the proposed Agreement falls within the scope of Mariposa County’s Initial Study, Conditional Use Permit and subsequent MND and that the Agreement will not result in any new significant environmental impacts. Finally, I have not

³ In conversation with Mariposa County Planning Department personnel, County staff discussed California CEQA Guideline 15162(b) (<http://resources.ca.gov/ceqa/guidelines/art11.html>). That Guideline section requires a lead agency to determine whether changes to a project or its circumstances become available after the adoption of a negative declaration rises to the level of “substantial.” Mariposa County, in this case, determined that the changes to the project circumstances since the 2006 MND did not rise to the level of requiring an EIR, and that, out of an abundance of caution, a “supplemental” MND should be prepared. Mariposa County staff considers the Project’s “supplemental” MND to be a “standalone document,” incorporating all the pertinent information from PDZ-87-1 and the LDA MND in order to provide the broadest picture of the land use planning history possible.

⁴ Item 6.B d. Attachment C – Initial Study. http://mariposacountyca.igm2.com/Citizens/Detail_Meeting.aspx?ID=2032.

⁵ Item 6.B http://mariposacountyca.igm2.com/Citizens/Detail_Meeting.aspx?ID=2032.

identified any new mitigation measures, within the Commission's authority, that would lessen or further mitigate the impacts of the Project.

The reasons for my conclusions are as follows in the brief explanation for all categories below.

Aesthetics:

This proposed Agreement has a less than significant impact on Aesthetics, and will not change the impacts identified in the Mariposa County CEQA documents.

Agriculture and Forest:

The proposed Agreement will have less than significant impact on Forest resources, and will not change the impacts identified in the Mariposa County CEQA documents. The impact of the Project is less than significant and the extensive discussion in the existing environmental and regulatory section covering Forestry issues indicate that the proposed Agreement is one that will support a positive impact on forestry resources. The proposed Agreement does not impact agricultural resources.

Air Quality:

The proposed Agreement will have less than significant impact on Air Quality with mitigation, and will not change the impacts identified in the Mariposa County CEQA documents. The Project shall be designed to meet all County Air Pollution Control District (APCD) requirements and must obtain an "Authority to Construct" permit prior to building permit issuance for the project from the Mariposa County Air Pollution Control District (MCAPCD).

Biological Resources:

The proposed Agreement will have less than significant impact with mitigation incorporated in Biological Resources and will not change the impacts identified in the Mariposa County CEQA documents.

Cultural Resources:

The proposed Agreement will have less than significant impact on Cultural Resources, and will not change the impacts identified in the Mariposa County CEQA documents.

Geology and Soils:

The proposed Agreement will have less than significant impact on Geology and Soils, and will not change the impacts identified in the Mariposa County CEQA documents.

Greenhouse Gas Emissions:

The proposed Agreement will have less than significant impact on Greenhouse Gas (GHG) Emissions, and will not change the impacts identified in the Mariposa County CEQA documents.

Hazards and Hazardous Materials:

The proposed Agreement will have less than significant impact on Hazards and Hazardous Materials, and will not change the impacts identified in the Mariposa County CEQA documents.

Hydrology and Water Quality:

The proposed Agreement will have a less than significant impact on Hydrology and Water Quality, and will not change the impacts identified in the Mariposa County CEQA documents.

Land Use and Planning:

The proposed Agreement will have no impact on Land Use and Planning, and will not change the impacts identified in the Mariposa County CEQA documents.

Mineral Resources:

The proposed Agreement will have no impact on Mineral Resources, and will not change the impacts identified in the Mariposa County CEQA documents.

Noise:

The proposed Agreement will have a less than significant impact with mitigation on Noise, and will not change the impacts identified in the Mariposa County CEQA documents.

Population and Housing:

The proposed Agreement will have no impact on Population and Housing, and will not change the impacts identified in the Mariposa County CEQA documents.

Public Services:

The proposed Agreement will have a less than significant impact with mitigation on Public Services, and will not change the impacts identified in the Mariposa County CEQA documents.

Recreation:

The proposed Agreement will have a less than significant impact on Recreation, and will not change the impacts identified in the Mariposa County CEQA documents.

Transportation and Traffic:

The proposed Agreement will have a less than significant impact with mitigation on Transportation and Traffic, and will not change the impacts identified in the Mariposa County CEQA documents.

Tribal Cultural Resources:

The proposed Agreement will have less than significant impacts on tribal cultural resources, and will not change the impacts identified in the Mariposa County CEQA documents.

Utilities and Service Systems:

The proposed Agreement will have a less than significant impact with mitigation on Utilities and Service Systems, and will not change the impacts identified in the Mariposa County CEQA documents.

Mandatory Findings of Significance:

The proposed Agreement will have a less than significant impact on Mandatory Findings of Significance, and will not change the impacts identified in the Mariposa County CEQA documents.

**California Environmental Quality Act
Initial Study**

http://mariposacountyca.iqm2.com/Citizens/Detail_LegiFile.aspx?Frame=&MeetingID=2032&MediaPosition=700.836&ID=7829&CssClass=

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

Resolution
No. 2018-006

A resolution approving the Mariposa Biomass Project Conditional Use Permit (CUP) No. 2017-117 with findings, conditions and mitigation measures, approving the Subsequent Mitigated Negative Declaration as adequate and complete (SCH 2018011038). APNs 012-050-066 and 012-050-067, Mariposa Biomass Project-Jay Johnson, applicant.

WHEREAS, an application for a Conditional Use Permit was received on June 23, 2017, from the Mariposa Biomass Project, Jay Johnson, applicant, for a project located within the Mariposa Industrial Park at 5673 and 5686 Copper Leaf Drive, Mariposa, CA, Mariposa County, also known as Assessor Parcel Number's 012-050-066 and 012-050-067; and

WHEREAS, the application proposed a 2.4 MW Bioenergy Facility with support buildings, parking, access and a woodchip storage yard; and

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

WHEREAS, an Initial Study and Subsequent Mitigated Negative Declaration, State Clearinghouse Number (SCH) 2018011038 were prepared for the Mariposa Biomass Project Pursuant to the California Environmental Quality Act; and

WHEREAS, the Mariposa Biomass Project Notice of Intent to Adopt Subsequent Mitigated Negative Declaration was published January 23, 2018; and

WHEREAS, a Staff Report, Subsequent Mitigated Negative Declaration, public comments received, response to comments and revisions, findings, conditions and environmental determination were prepared pursuant to the California Government Code, Mariposa County Code, PDZ 87-1, General Plan, California Environmental Quality Act, and local administrative procedures; and

WHEREAS, a duly noticed Planning Commission public hearing for the project and Subsequent Mitigated Negative Declaration was scheduled and held on the 23rd day of February 2018; and

WHEREAS, the Planning Commission did hold a public hearing on the noticed date and considered staff's recommendations, all of the information in the public record, including the Staff Report, Initial Study and Subsequent Mitigated Negative Declaration, project findings, mitigation measures, conditions of approval, testimony presented by the public concerning the application, and the comments of the applicant; and

NOW THEREFORE, BE IT RESOLVED THAT, the Planning Commission of the County of Mariposa does hereby approve the Mariposa Biomass Project, Conditional Use Permit (CUP) No. 2017-117 by:

- Approving the Subsequent Mitigated Negative Declaration as adequate and complete (SCH 2018011038);
- Approving the project application with the recommended findings and conditions.

BE IT THEREFORE FINALLY RESOLVED THAT this action is recommended based upon the Mariposa Biomass Project:

- CUP No. 2014-164 findings, included as Exhibit 1
- Conditions and mitigation measures, included as Exhibit 2

ON MOTION BY Commissioner McCamman, seconded by Commissioner Kennec, this resolution is duly passed and adopted this 23rd day of February 2018 by the following vote:

AYES: Herman, Kennec, McCamman,

NOES: Becker

EXCUSED: Kehoe

ABSTAIN:



Mick Herman, Chair

Mariposa County Planning Commission

Attest:



Carol Suggs, Secretary

Mariposa County Planning Commission

EXHIBIT 1

CONDITIONAL USE PERMIT NO. 2017-117 FINDINGS

Project Findings for CUP 2017-117

(Findings pursuant to PDZ87-1 and Conditional Use Permit §17.112.040., Mariposa County Zoning Code)

CUP Finding 1: That adequate open space is provided.

Evidence: The project site is comprised of a 2.86 acre parcel (Parcel 4) and a 2.41 acre parcel (Parcel 3) totaling 5.27 acres. The project proposes less than 10,000 square feet of new structures resulting in approximately 4% of the lot area covered with the new structures. PDZ87-1 Lot Area Coverage maximum is 25% net lot area by buildings, sheds, barns or similar structures. The project lot coverage is far below the 25% lot area coverages allowed by PDZ 87-1 and therefore there is adequate open space being provided by the project.

CUP Finding 2: That the site is physically suited for the proposed development;

Evidence: The proposed development is on two of a very limited number of parcels in the County zoned for industrial uses. The project parcels are located within the Mariposa Industrial Park that was approved by the County in 1987 as Planned Development Zone PDZ 87-1 where it was determined that the site was suitable for industrial uses provided the development standards of PDZ 87-1 are met. The Biomass project development meets applicable PDZ 87-1 Section III Improvement and Building Standards. The project proposes new structures that would result in lot coverage of 4% of the total land area (5.27 acres), being well below the PDZ 87-1 allowance of up to 25%.

Project Parcel 4 is a previously disturbed site that has a graded building pad and access driveway where the proposed Mariposa Biomass facility structures, buildings and employee parking are proposed. Parcel 3 is undeveloped and is proposed for wood chip storage, truck scale, turnaround and internal material transport road. The development has existing physical access that requires minimal improvements to support the use. The development proposes minimal grading and disturbance where over 20 % more land area could be used for structures as allowed by the PDZ 87-1 development standards.

CUP Finding 3: That adequate provisions have been made for sewage disposal and handling of solid waste

Evidence: The Project's wastewater treatment needs were adequately analyzed in the

Project Initial Study including review by the Health Department. The current septic system on Parcel 4 has sufficient capacity for the expected 8-10 employees, and room for up to ten more users. There is also the additional septic easement that could be used in the future, that is being moved from Parcel 3 to Parcel 4. The project implementation will have a less than significant impact on existing septic facilities.

The Project Initial Study evaluated the solid waste outputs and the project will comply with all solid waste laws. Two disposal outputs, non-hazardous ash and sludge will be taken to the Mariposa County Landfill or an appropriately permitted waste facility.

Conditions of approval require and that an adequate waste handling plan be in place to serve the project site prior to operation. Enforcement of State Law and County Health standards will insure that sewage disposal and solid waste disposal are adequately handled and will not generate a health hazard.

CUP Finding 4: The proposed development will have adequate potable water for public use and fire protection.

Evidence: The Project proposes to use an existing well (located offsite on Parcel 2) for water. The Initial Study evaluated the use of the water well to serve the water demand of the project that included pump test, draw down testing and potential impacts to offsite wells. The Initial Study found that there is sufficient water to serve the project demand for all facilities and operations.

Conditions of approval require verification from the Health Department and State for compliance with applicable State Drinking Water standards and Division of Drinking Water requirements for the water system permitting. Compliance with those requirements is sufficient to address any potential impacts to less than significant levels for the water supply.

In order to provide for fire protection onsite, the project includes a 110,000 gallon fire water storage tank located in the southwest corner of parcel 4. Hydrants will be located as required by the Fire Department prior to final inspection. Design plans shall be required and approved prior to building permit issuance.

CUP Finding 5: The project complies with all standard and special setback requirements and appropriate buffers have been provided for adjacent land uses.

Evidence: The project meets all applicable PDZ 87-1 Mariposa Industrial Park section III. Improvement and Building Standards including lot coverage, height, landscaping, security lighting, fencing and screening lot access and setback requirements. The project proposes to retain existing trees and shrubs as is feasible. The Initial Study for the project evaluated visual impacts and noise impacts and through the application of conditions and mitigation found that the impacts at neighboring land uses to be less than significant. The Initial Study for the project layout maintains no build zones along

site water features. These special setbacks are required by project mitigation and conditions require adherence to these setbacks.

CUP Finding 6: That appropriate access is available or is proposed to the development.

Evidence: The project access is from State Highway 49, Gold Leaf Drive and Copper Leaf Drive. With application of required encroachment and roadway design improvements it can be found that the project will have adequate capacity for the additional traffic generated by the Mariposa Biomass Project. The project Initial Study was circulated and reviewed. Access improvements will be required to meet all applicable design standards established by Public Works and CALTRANS.

CUP Finding 7: That the proposed use is consistent with the policies and standards of the General Plan and any applicable specific plan.

Evidence: The project parcels are within the PDZ 87-1 Mariposa Industrial Park with a General Plan Land Use classification of Natural Resources, Expanded Mariposa Town Plan Study area. The General Plan Land Use Element 5.3.05 Natural Resources States:

"The Board of Supervisors has determined that parcels within the Natural Resource Land Use Classification on the Land Use Diagram, the existing zoning assigned to that parcel, as of December 1, 2006, is consistent with the Natural Resources land use classification."

PDZ 87-1 Mariposa Industrial Park zoning applicable to the Project site was assigned to the Project Parcels prior to December 1, 2006. The PDZ 87-1 zone allows for processing uses and the Project is therefore consistent with the Planned Development Zone and the General Plan.

There are no specific plans applicable to the project site.

CUP Finding 8: That the project as approved will not have a significant effect on the environment, or the significant impacts have been eliminated or substantially lessened, or determined that the significant effects are unavoidable and acceptable due to overriding concerns.

Evidence: An Initial Study and a Subsequent Mitigated Negative Declaration were prepared for the Mariposa Biomass Project, pursuant to California Environmental Quality Act (CEQA, California Public Resources Code, Section 21000, et seq.).

Approval of a project with significant impacts requires that findings be made by the lead agency pursuant to the California Environmental Quality Act (CEQA, California Public

Resources Code, Section 21000, et seq.), and State CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3) Sections 15043, 15091, and 15093. CEQA Guidelines Section 15092(b) requires a finding that the significant impacts of a project are either: (1) mitigated to a less-than-significant level or (2) that the public benefits of a project outweigh the significant impacts (requires a Statement of Overriding Consideration).

The Mariposa Biomass Project Initial Study concluded that all project impacts would be mitigable to less than significant; the project would not result in significant and unavoidable impacts. The project CEQA findings and mitigation and monitoring program are incorporated herein by reference.

CUP Finding 9: That the establishment, maintenance, or operation of the use applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the county

Evidence: This project proposes an industrial development directly adjacent to existing industrial uses. The Mariposa Industrial Park has been approved by the Board of Supervisors as an appropriate location for industrial activities and specific development standards have been incorporated into the Planned Development Zone to ensure that industrial activity is not detrimental to the neighborhood and County. Additionally, conditions of approval are recommended to ensure compliance with all standards of the PDZ. The Conditional Use Permit will establish written limits to the use and operation of the Mariposa Biomass Project. The Conditional Use Permit and project Initial Study will establish specific identified mitigation measures and conditions to address potential impacts the development may have on surrounding properties or properties in the community, including noise, light, traffic and outdoor activity (reducing impacts to a level of less than significant). Finally, this Conditional Use Permit will establish requirements for construction and ongoing operation of the Mariposa Biomass Project to insure no significant project impacts on persons residing or working in the neighborhood or in the community. There is a benefit to the health, safety, morals, comfort and general welfare of persons residing and working in the neighborhood to have established limits and mitigations such as will result from this project.

The Initial Study evaluated all potential environmental impacts of the proposed project and concluded that the project could occur with no significant environmental impacts based upon the implementation of adequate and feasible mitigation measures. These mitigation measures are incorporated into the project.

This Conditional Use Permit has been reviewed through a discretionary process, and there have been opportunities for public input on health, safety, morals, comfort and general welfare issues through the public process. All public input on these matters as well as input and recommendations from regulatory agencies with regulatory authority

over the project have been considered. The Planning Commission has considered the Initial Study for this project. Finally, the Planning Commission has considered the staff report, project findings, the recommended conditions, and the CEQA Findings of Fact and Mitigation Monitoring and Reporting program, establishing requirements to address:

- Protection of special status plant species
- Protection of special status animal species
- Protection of cultural resources
- Minimizing grading and grading impacts
- Protection of trees and vegetation
- Elimination of off-site noise impacts
- Elimination of off-site lighting impacts
- Limitation to hours and days of outside construction activities
- Implementation of air quality requirements, including odor controls
- Implementation of a noxious weed program
- Implementation of Fire and Hazard requirements and fire protection
- Implementation of Airport Overlay requirements
- Roadway and site maintenance
- Aesthetics

The Planning Commission finds that with mitigation and conditions, the continued maintenance and operation of the use as conditioned will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort, or general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the county.

PDZ 87-1 FINDING 10: The project is consistent with all use and development standards of Planned Development Zone No. 87-1.

EVIDENCE: The project has been reviewed in accordance with all use and development standards established by Planned Development Zone No. 87-1.

The Biomass processing use fits into the following PDZ 87-1 uses as outlined in the following excerpts from PDZ 87-1 Mariposa Industrial Park Section:

"VI. Use Standards, A. Permitted Uses:

... 3. Processing uses- to include, but not limited, to bottling plants, creameries, wineries, laboratories, tire retreading, and cleaning, laundry and dyeing plants.

... 7. Agricultural Product Processing

...12. Other- manufacturing, processing, treatment, fabrication or assembly uses similar to those enumerated above."

The project proposes an agriculture (forest) materials processing use and is similar to the other uses listed above and therefore a permitted use under PDZ-87-1

PDZ 87-1 states:

"...buildings shall not exceed 45 feet for any structure within the Mariposa Industrial Park. This standard shall not apply to radio/communication towers, power transmission towers or similar utility structures. Maximum allowable height for these types of structures is seventy-five feet. In no case shall these standards allow the construction of a building, tower or utility structure which encroaches into the approach zone established by the Mariposa County Airport Zone."

The Project does not propose a building over 45 feet tall, although it does propose a 60 foot tall air exhaust stack (tower) that is a similar utility structure allowed by PDZ 87-1 height standards. The proposed 60 foot tall air exhaust stack does not exceed the 75 foot maximum height allowance for those types of utility structures.

The proposed air exhaust stack height of 60 feet does not penetrate the "imaginary conical surface" pursuant to the Airport Plans. The imaginary conical surface elevation directly above the proposed air exhaust stack location is 2532 feet. At the top of the proposed air exhaust stack of 60 feet, the elevation is 2454 feet. The top of the proposed air exhaust stack height is at an elevation of 2454 feet, being 78 feet below the imaginary conical surface elevation of 2532 feet and therefore in compliance with the Airport Plans and Airport Overlay District.

Additionally, the Project must also demonstrate Airport Plan compliance to the Public Works Director as a new facility within the Airport Overlay Zone. Project compliance with all Federal Aviation Administration (FAA) and State Division of Aeronautics requirements is required in addition to the Initial Study Analyses. Conditions of approval include requirements for verifications from the agencies and Public Works Department approval prior to grading and/or building permit issuance in order to determine that the Project plans meet all applicable Airport related requirements.

The project, upon compliance with all recommended mitigation and conditions of approval, is consistent with the applicable standards.

EXHIBIT 2
PROJECT CONDITIONS AND MITIGATION MEASURES

Conditional Use Permit No. 2017-117

General

1. The Use Permit is approved for development and operation of the Mariposa Biomass plans dated January 19, 2018 (Staff Report Attachment B- Project Plans) and the project description as follows:
 - The construction of a 2.4 MW community based bioenergy facility and woodchip storage yard.
 - The facility will include several new structures including a gasification plant, engine generator enclosure, fire water tank, ash storage bin, feed system, electrical equipment enclosure and control room (8,600 square feet of new structures).
 - Feedstock storage is proposed to occur on Parcel 3, while the biomass facilities will be located on Parcel 4.
 - Access is proposed from Highway 49 No. to Gold Leaf Road, onto Copper Leaf Drive and driveway encroachments on Copper Leaf Drive.
 - Access for the delivery trucks will be a new driveway on Parcel 3 six days a week.
 - Truck deliveries will be limited to 7am to 5pm, 6 days per week.
 - Estimated to receive 3-4 chip trailer deliveries in addition to 8 to 10 small dump truck deliveries per day. The site is not proposed to be a public dump site. There will be no residential drop off of materials at the site.
 - The facility will operate 24 hours a day, 7 days a week.
 - 8 employees are proposed, although up to 10 employees may be required.
 - Water for the project is proposed by a shared well that produced 20 gpm at time of installation. The project applicant states that the project's water use will be 1.5 gpm.
 - 60 pounds per day of sludge will be generated by the facility which is proposed to be disposed of at the landfill.
 - 1.2 tons per day of dry ash will be generated by the facility and is proposed to be disposed of at the landfill.

The facility will utilize approximately 12,000 bdt (bone dry tons) per year of sustainably harvested forest biomass in a gasification process to produce a syngas. The syngas will be used to fuel two gas engine generators to produce electricity. (Additional project details may also be found in the attached Initial Study).

After the effective date of the Planning Commission approval of Conditional Use Permit No. 2017-117, the Mariposa Biomass Project shall be constructed in substantial conformance with the approved site plan, building elevations and project description as approved by the Planning Commission. Minor changes in the site plan and increase in project square footages up to 10%, may be considered and approved by the Planning Director if a finding is made that the changes would not necessitate a change in the Project environmental determination. Any substantial modification of the site plan requires additional public review.

2. No changes to the approved site plan, exterior design, color, or materials of any structure or landscaping shall be permitted without review by and written approval of the Planning Director pursuant to applicable conditions for the project.
3. Any representations the public hearing by the applicant or agents speaking on the applicant's behalf shall be reduced to writing and added as conditions of project approval.
4. The conditional use permit (CUP) shall be activated by the issuance of the first building or grading permit within 36 months from the effective date of Planning Commission approval of the project. Should activation of the permit(s) be delayed by any moratorium or excessive delays by a permitting agency over which the County of Mariposa does not exercise control, or should a lawsuit involving the approval of the CUP or related entitlements be pending in a court of competent jurisdiction, the 36 month clock shall be tolled until such time the court action or other delay has concluded. However, if the remaining time is less than 120 days, the permit shall be valid for 120 days following the termination of the moratorium or other event triggering the tolling of the period. The tolling period shall be initiated upon written notice by the applicant to the Planning Department setting forth the facts and circumstances justifying the tolling, and shall be immediately effective unless a written notice of rejection is issued by the Planning Director within 14 days of receipt of applicant's notice.
5. The applicant may request of the Planning Commission one 18-month time extension of the CUP initial time frame (as identified in condition no. 4 above) between the effective date of the approval of the CUP and the start of construction (building permit or grading permit issuance). The application must be made at least 90 calendar days prior to the initial approval expiration date.

The Planning Commission may impose any conditions and/or requirements it finds necessary to guarantee compliance with the project approval findings.

Any tolling provisions provided for by conditions of approval for the use permit shall remain in full effect. Time extension request provisions of this condition do not change any approved applicable tolling provisions.

6. An updated project development schedule shall be submitted to the Planning Director prior to issuance of a grading and/or building permit for the project. The Project schedule shall at a minimum include:
 - Outside agency permitting application estimated submittal timeline
 - Projected overall construction schedule
 - Estimated completion
7. No site disturbance activities shall commence without the issuance of a building or grading permit. Should there be no code requirement for such a permit, a letter authorizing site disturbance activities shall be issued by the Planning Director upon request and upon proof of relevant condition completion.
8. Prior to the issuance of any site disturbance, building or grading permits, the permit holder shall submit final site and construction plans. The final plans shall clearly be labeled to match the approved site plans except as necessary to comply with the project conditions or as allowed by 1. All physical construction for the project shall be in substantial conformance with the approved plans.

Botanical/Wildlife

9. Prior to the commencement of site disturbance activities of any kind, the Planning Director shall receive a detailed preconstruction survey clearly identifying areas which are proposed to be retained in natural vegetation (e.g. grasses, shrubs, trees and riparian vegetation). Accompanying the preconstruction survey shall be a construction management plan identifying how "non-disturbance areas" are to be physically protected during construction activities. Physical protection measures shall be in place prior to site disturbance.
10. Mitigation Measure 4.a.1.: A pre-construction survey based on CDFW protocols and survey periods for special-status species shall be performed by a qualified biologist to ensure that special-status species are not present. If any listed species are detected, construction shall be delayed, and the appropriate wildlife agency (CDFW and/or USFWS) shall be consulted and project impacts and mitigation reassessed and applied in conformance with biologist, CDFW and/or USFWS protocols. A verification letter from the CDFW that the survey was completed and protocols met shall be submitted to the Mariposa County Planning Department and approved by the Planning Director prior to grading or building permit issuance.

11. Mitigation Measure 4.c.1: A 10 foot setback shall be in place from the centerline of the onsite ephemeral drainage channel identified within the project Biological Study for protection during construction and operation: there will be no modification of stream banks or adjoining vegetation within the 10 foot setback either during construction or during operation. The construction site and grading plans prepared by a licensed engineer shall show the setback. Setback areas shall be flagged in the field and physically protected prior to and during construction activities.
12. Mitigation Measure 4.d.1. : If construction activities will occur during the nesting season (usually March to September), pre-construction surveys for the presence of special-status bird species or any nesting bird species should be conducted by a qualified biologist within 500 feet of proposed construction areas. If active nests are identified in these areas, CDFW should be consulted to develop measures to avoid "take" of active nests prior to the initiation of any construction activities. Avoidance measures may include establishment of a buffer zone using construction fencing or the postponement of vegetation removal until after the nesting season, or until after a qualified biologist has determined the young have fledged and are independent of the nest site.
13. Mitigation Measure 4.e.1.: There shall be no grading, leveling, soil compaction from the use of heavy equipment, or digging within the root zone of oaks identified in a pre-construction oak tree survey. During construction of onsite improvements, all such oaks located in the area of construction activity identified as not to be removed, shall have erected around the root zone-which is 1 ½ times the drip line of the oak tree crown or 15' whichever is greater- environmentally sensitive area fencing. This fencing shall remain installed, visible, and in good condition until all road construction, grading activities and other soil disturbance activities are completed. At the time of inspection of the completed improvements by the Building Department, Planning Director authorization for removal of the environmentally sensitive area fencing may be granted.
14. Prior to the commencement of construction activities, a tree removal and replacement plan for mature trees shall be prepared by a licensed landscape architect based upon accepted industry practice for approval by the Planning Director. The Plan shall incorporate appropriate measures to be taken to minimize the spread of non-native vegetation.
15. Conceptual landscaping plans are required prior to grading permit issuance and final landscape plans are required prior to building permit issuance; both of which require Planning Director approval. Landscaping plans shall provide vegetative screening of the site from streets, Hwy 49 and adjacent properties

where possible as determined by the County. The applicant/operator shall plant a visual screen that effectively screens the visibility of the site improvements from streets, Hwy 49 and adjacent properties where possible in conformance with PDZ 87-1 standards. A planting plan shall be prepared by a landscape architect and be approved by the County; it shall use low water use trees and vegetation and shall identify the sizes of plantings. Plantings shall be irrigated and monitored for establishment for five (5) years, or as recommended by the landscape architect. If plantings die, they shall be replaced on a one-to-one ratio until established. Irrigation shall meet the 2015 Model Water Efficient Landscape Ordinance (CCR Title 23, Chapter 2.7), as certified by the project landscape architect.

16. Prior to the issuance of any building or grading permits, the permit holder shall submit to the Mariposa County Agricultural Commissioner copies of the construction management plan identifying how the permit holder will take steps to prevent the transport of noxious weeds to the site. Approval by the Agricultural Commissioner of such program shall be transmitted to the Planning Director.

Public Services

17. Prior to the issuance of any building or grading permits, the County Fire Chief and CALFIRE shall provide the Planning Director with a letter certifying that the design of the onsite accesses are of adequate width, grade, surfacing, and construction design to meet the requirements of the fire protection agencies.
18. The Project will construct a 110,000 gallon tank and achieve all fire flow requirements. Fire hydrants will be placed on the property as required by the local Fire agencies. The project will comply with state law relating to the storage of wood chips. All applicable CALFIRE FireSafe standards must be met and will be reviewed by County Fire and CALFIRE at the time of construction permit review and prior to Certificate of Occupancy.
19. Mitigation Measure 14.a.1: Prior to grading or building permit issuance the Project plans shall include all details necessary to show compliance with County Fire Department and CALFIRE requirements for fire protection including access, storage tank, hydrant location and fire flow. Approval letters by County Fire and CALFIRE to Planning Director shall be required prior to grading and or building permit issuance.
20. Prior to the issuance of any building or grading permits, the Planning Director shall receive a letter from the CALFIRE indicating the final project design meets the requirements for the Fire Protection State Responsibility Area Firesafe Requirements for driveway standards, gate standards, road standards, emergency water supply standards, fire hydrant standards, defensible space

standards, as may be applicable and as otherwise specified in 14 CCR§1270 et. seq.

21. Prior to the issuance of any grading permits, the permit holder shall submit restoration surety in a form satisfactory to the County Counsel. The amount of surety shall be equal to an engineer's estimate of the cost of site preparation and grading, whichever is greater plus a 50% contingency. This amount of the surety is to be confirmed by the Department of Public Works and guaranteed by an appropriate agreement with the County. Upon completion of the grading final approval by the County, the required security shall be returned to the permit holder.
22. All Completed Unified Program Consolidated Forms and Materials Release Response Plan (Business Plan) shall be submitted to the County Environmental Health Department for review approval prior to the final Certificate of Occupancy of the project. (Ongoing compliance shall be required or conditional use permit revocation may occur). A Letter from the Health Department to the Planning Director Confirming that this condition has been met shall be required prior to Planning approval of the final Certificate of Occupancy for the project.
23. A project solid waste/material output plan is required for submittal and review by the County Environmental Health Division-Local Enforcement Agent and the Public Works Department- Public Works Director prior to grading permit issuance and a final plan approval must occur prior to Certificate of Occupancy for the project.
24. Based on its proximity to the Mariposa-Yosemite Airport, the project shall be designed in compliance with all applicable Federal Aviation Administration (FAA) and State Division of Aeronautics requirements. The applicant shall submit plans to the Public Works Department for review and approval pursuant to this condition. Written verification of approval by the Federal Aviation Administration (FAA) and State Division of Aeronautics shall be required and written confirmation that this condition has been met shall be submitted to the Planning Department by the Public Works Department prior to grading and/or building permit issuance.

Hydrology, Water and Wastewater

25. Mitigation Measure 18 e.1.: Prior to grading or building permit issuance, the relocation of the septic easement as shown on the grading plan and site plan must be completed and recorded to the satisfaction of the County Health Department- Environmental Health Division, County Surveyor and Planning Director.

26. The Project water well system shall meet all applicable local and state requirements including but not limited to State Division of Drinking Water requirements. The Planning Director shall receive verification from the County Health Department and State Water Resources Control Board, Division of Drinking Water that this condition has been met prior to the Certificate of Occupancy for the project.
27. The project shall install and maintain onsite pollutant control measures during project construction and operation as required ensuring NPDES compliance. The permit holder shall provide the Planning Director with a copy of its approved State Water Resources Control Board Construction Activity Storm Water Permit and or any operational storm water permit for industrial activities prior to grading and/or building permit issuance.
28. The project shall install and maintain onsite runoff attenuation facilities with sufficient capacity to reduce 100-year project stormwater runoff rates to those currently generated by the project site. The project engineered grading plans shall include these facilities. County Engineer approval the plan is required prior to grading permit issuance.

Air Quality/Greenhouse Gas Emissions

29. Project shall be designed to meet all County Air Pollution Control District (APCD) requirements and the Air Pollution Control Officer shall approve the project plans and contract specifications prior to the issuance building or grading permits as applicable.
30. All facilities operations, collection and transmission facilities shall incorporate appropriate equipment and design so that odors cannot be detected and that dust control protocols are in place. The Environmental Health Division Director shall approve the project plans prior to the issuance of construction permits, occupancy or facility operation as deemed appropriate by the Environmental Health Division Director.
31. Mitigation Measure Air Quality 3 (e) 1: An operational management plan that includes 1) odor control activities and 2) methods for the project operations that demonstrate industry standard protocols for any nuisance odor and 3) best management practices shall be prepared by an appropriately licensed air quality professional and approved by the MCAPCO prior to building permit issuance.
32. The project must obtain an "Authority to Construct" permit prior to building permit issuance for the project from the Mariposa County Air Pollution Control District (MCAPCD). Mariposa County Air Pollution Control District (MCAPCD) verification

that this condition has been met shall be required prior to building permit issuance.

Traffic, Access and Circulation

33. Mitigation Measure 16.b.1.: Gold Leaf Drive approach improvements shall be improved to meet minimum road surface requirements for the intersection approach prior to Certificate of Occupancy for the project. CALTRANS and/or County Encroachment Permits shall be required as applicable prior to grading or building permit issuance.
34. Mitigation Measure 16.d.1.: Gold Leaf Drive shall be improved to meet CALTRANS radius requirements for the intersection approach prior to Certificate of Occupancy for the project. A CALTRANS Encroachment Permit shall be required prior to grading or building permit issuance. All encroachment improvements shall be completed prior to issuance of a Certificate of Occupancy for the facility.
35. The proposed Copper Leaf Drive driveway encroachments shall meet County standards. County Engineer approval of the encroachment design shall be required prior to grading permit issuance and improvements shall be approved prior to building permit final.
36. Proposed internal driveways, operational roads, truck turnaround and employee parking area shall be designed by the project engineer. Paving shall be required for dust and erosion control.
37. The Project access road from Copper Leaf Drive shall be completely on Parcel 4 unless an easement on the adjacent parcel (APN 012-050-068) for a portion of the access is obtained. IF easement is not obtained, all driveway improvements shall be on the Project Parcel 4 in the same general location as proposed, with increased width all encompassed on the project Parcel 4. Public Works Department, County Surveyor and/or County Engineer approval is required prior to grading permit issuance.
38. 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.
39. A parking plan that meets PDZ 87-1 Section V. On-site Parking Standards must be submitted to, and approved by, the County Planning Director prior to grading and/or building permit issuance.

Aesthetics

40. All on-site lighting fixtures shall be designed to be in compliance with the model lighting code developed by the International Dark Sky Association and shall be shown on the building permit plans and approved by the Planning Director prior to the installation of any fixtures. The Director may require plan review by a lighting specialist to ensure condition compliance. Applicant shall pay all costs associated with this review.
41. Plans shall be designed to be in compliance with PDZ 87-1 Section III. Improvement Standards, Section IV. Signs and Advertising Displays, Section V. On-site Parking Standards, Section VII. Activity Standards, Section VIII. Design Standards. Elements including, but not limited to, architectural elevations, material types and paint colors shall be included. Planning Director approval of the plans is required prior to grading permit, building permit and/or occupancy, permit issuance determined by the Planning Director.
42. A site security and signage program shall be required. Elements shall maintain compliance with PDZ 87-1 Section IV. Signs and Advertising Displays standards including but not limited to fencing, signage. Program shall be approved by the Planning Director prior to grading or building permit issuance.

Cultural and Historical Resources

43. Mitigation Cultural Resources 5.d.1 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 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.

Noise

44. Mitigation Measure 12d.1: Within the facility start up and operational testing period and prior to building permit certificate of occupancy, noise testing shall be conducted and a noise monitoring report shall be submitted to the Planning Director for review and verification that project operating noise levels do not exceed limits established by PDZ 87-1 Section VII. Activity Standards, A. Noise. If the monitoring report finds that the noise thresholds are in exceedance of PDZ 87-1 allowances, then the report shall provide recommendations for appropriate noise reduction measures that reduce noise levels to meet the PDZ 87-1 standards and those recommendations shall be incorporated into the project. A certificate of occupancy shall not be issued until the noise monitoring concludes that the noise is below the PDZ 87-1 limits. The report shall be prepared by an appropriately licensed or qualified professional.

Additional Conditions

45. The Property Owner (Owner) shall indemnify, protect, defend, and hold harmless the County, and any agency or instrumentality thereof, and officers, officials, employees, or agents thereof, from any and all claims, actions, suits, proceedings, or judgments against the County, or any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof to attack, set aside, void, or annul, any approval of the County, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the County, concerning the project and the approvals granted herein. Actions concerning the project and approvals granted shall include, but not be limited to, the environmental determination made pursuant to the California Environmental Quality Act (CEQA). Furthermore, Owner shall indemnify, protect, defend, and hold harmless the County, or any agency or instrumentality thereof, against any and all claims, actions, suits, proceedings, or judgments against another governmental entity in which Owner's project is subject to that other governmental entity's approval and a condition of such approval is that the County indemnify and defend such governmental entity. County shall promptly notify the Owner of any claim, action, or proceeding. County will further cooperate in the defense of the action.

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.

46. Prior to issuance of permits, all fees associated with the County's processing of the map and filing of associated CEQA documents (applicable to the conditional

use permit) shall be paid. The Department of Fish and Wildlife CEQA filing fee (\$2,280.75 as of January 1, 2018) and County Clerk fee (\$50 as of January 1, 2018) shall be paid by the applicant within five (5) working days of the approval of the application (by Friday, March 2, 2018, 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, March 2, 2018 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 **\$2330.75** (effective January 1, 2018), and that it be in the form of a cashier's 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 1st of each year, pursuant to Fish and Game Code.

47. Proof of binding legal right for Public Utility Easement/s to accommodate the utility service connection from the Mariposa Biomass facility to PG&E facilities/infrastructure shall be required for submittal, review and approval by the County Surveyor prior to grading and/or building permit issuance.

**MARIPOSA COUNTY
MITIGATED NEGATIVE DECLARATION
(Subsequent)**

(Pursuant to California Administrative Code, Sections 15070 and 15162)

APPLICANT/APPLICATION: *Conditional Use Permit CUP No. 2017-117 (SCH 2018011038)*
Mariposa Biomass Project- Jay Johnson applicant

PROJECT DESCRIPTION:

- The construction of a 2.4 MW community based bioenergy facility and woodchip storage yard.
- The facility will include several new structures including a gasification plant, engine generator enclosure, fire water tank, ash storage bin, feed system, electrical equipment enclosure and control room (8,600 square feet of new structures).
- Feedstock storage is proposed to occur on Parcel 3, while the biomass facilities will be located on Parcel 4.
- Access is proposed from Highway 49 No. to Gold Leaf Road, onto Copper Leaf Drive and driveway encroachments on Copper Leaf Drive.
- Access for the delivery trucks will be a new driveway on Parcel 3 six days a week.
- Truck deliveries will be limited to 7am to 5pm, 6 days per week.
- Estimated to receive 3-4 chip trailer deliveries in addition to 8 to 10 small dump truck deliveries per day. The site is not proposed to be a public dump site. There will be no residential drop off of materials at the site.
- The facility will operate 24 hours a day, 7 days a week.
- 8 employees are proposed, although up to 10 employees may be required.
- Water for the project is proposed by a shared well that produced 20 gpm at time of installation. The project applicant states that the project's water use will be 1.5 gpm.
- 60 pounds per day of sludge will be generated by the facility which is proposed to be disposed of at the landfill.
- 1.2 tons per day of dry ash will be generated by the facility and is proposed to be disposed of at the landfill.

The facility will utilize approximately 12,000 bdt (bone dry tons) per year of sustainably harvested forest biomass in a gasification process to produce a syngas. The syngas will be used to fuel two gas engine generators to produce electricity.

LOCATION: The project parcel is located at 5673 and 5686 Copper Leaf Dr., Mariposa
ASSESSOR PARCEL NUMBER: 012-050-066 and 012-050-067

Sections 9 and 10, Township 6 South, Range 17 East, MDB&M

Mount Bullion USGS 7.5' Quadrangle map (37° 30' 19" N; 120° 0' 46" W).

No significant effect is based on the following findings:

(Findings pursuant to PDZ87-1 and Conditional Use Permit §17.112.040., Mariposa County Zoning Code)

CUP Finding 1: That adequate open space is provided.

Evidence: The project site is comprised of a 2.86 acre parcel (Parcel 4) and a 2.41 acre parcel (Parcel 3) totaling 5.27 acres. The project proposes less than 10,000 square feet of new structures resulting in

approximately 4% of the lot area covered with the new structures. PDZ87-1 Lot Area Coverage maximum is 25% net lot area by buildings, sheds, barns or similar structures. The project lot coverage is far below the 25% lot area coverages allowed by PDZ 87-1 and therefore there is adequate open space being provided by the project.

CUP Finding 2: That the site is physically suited for the proposed development;

Evidence: The proposed development is on two of a very limited number of parcels in the County zoned for industrial uses. The project parcels are located within the Mariposa Industrial Park that was approved by the County in 1987 as Planned Development Zone PDZ 87-1 where it was determined that the site was suitable for industrial uses provided the development standards of PDZ 87-1 are met. The Biomass project development meets applicable PDZ 87-1 Section III Improvement and Building Standards. The project proposes new structures that would result in lot coverage of 4% of the total land area (5.27 acres), being well below the PDZ 87-1 allowance of up to 25%.

Project Parcel 4 is a previously disturbed site that has a graded building pad and access driveway where the proposed Mariposa Biomass facility structures, buildings and employee parking are proposed. Parcel 3 is undeveloped and is proposed for wood chip storage, truck scale, turnaround and internal material transport road. The development has existing physical access that requires minimal improvements to support the use. The development proposes minimal grading and disturbance where over 20 % more land area could be used for structures as allowed by the PDZ 87-1 development standards.

CUP Finding 3: That adequate provisions have been made for sewage disposal and handling of solid waste

Evidence: The Project's wastewater treatment needs were adequately analyzed in the Project Initial Study including review by the Health Department. The current septic system on Parcel 4 has sufficient capacity for the expected 8-10 employees, and room for up to ten more users. There is also the additional septic easement that could be used in the future, that is being moved from Parcel 3 to Parcel 4. The project implementation will have a less than significant impact on existing septic facilities.

The Project Initial Study evaluated the solid waste outputs and the project will comply with all solid waste laws. Two disposal outputs, non-hazardous ash and sludge will be taken to the Mariposa County Landfill or an appropriately permitted waste facility.

Conditions of approval require and that an adequate waste handling plan be in place to serve the project site prior to operation. Enforcement of State Law and County Health standards will insure that sewage disposal and solid waste disposal are adequately handled and will not generate a health hazard.

CUP Finding 4: The proposed development will have adequate potable water for public use and fire protection.

Evidence: The Project proposes to use an existing well (located offsite on Parcel 2) for water. The Initial Study evaluated the use of the water well to serve the water demand of the project that included pump test, draw down testing and potential impacts to offsite wells. The Initial Study found that there is sufficient water to serve the project demand for all facilities and operations.

Conditions of approval require verification from the Health Department and State for compliance with applicable State Drinking Water standards and Division of Drinking Water requirements for the water system permitting. Compliance with those requirements is sufficient to address any potential impacts to less than significant levels for the water supply.

In order to provide for fire protection onsite, the project includes a 110,000 gallon fire water storage tank located in the southwest corner of parcel 4. Hydrants will be located as required by the Fire Department prior to final inspection. Design plans shall be required and approved prior to building permit issuance.

CUP Finding 5: The project complies with all standard and special setback requirements and appropriate buffers have been provided for adjacent land uses.

Evidence: The project meets all applicable PDZ 87-1 Mariposa Industrial Park section III. Improvement and Building Standards including lot coverage, height, landscaping, security lighting, fencing and screening lot access and setback requirements. The project proposes to retain existing trees and shrubs as is feasible. The Initial Study for the project evaluated visual impacts and noise impacts and through the application of conditions and mitigation found that the impacts at neighboring land uses to be less than significant. The Initial Study for the project layout maintains no build zones along site water features. These special setbacks are required by project mitigation and conditions require adherence to these setbacks.

CUP Finding 6: That appropriate access is available or is proposed to the development.

Evidence: The project access is from State Highway 49, Gold Leaf Drive and Copper Leaf Drive. With application of required encroachment and roadway design improvements it can be found that the project will have adequate capacity for the additional traffic generated by the Mariposa Biomass Project. The project Initial Study was circulated and reviewed. Access improvements will be required to meet all applicable design standards established by Public Works and CALTRANS.

CUP Finding 7: That the proposed use is consistent with the policies and standards of the General Plan and any applicable specific plan.

Evidence: The project parcels are within the PDZ 87-1 Mariposa Industrial Park with a General Plan Land Use classification of Natural Resources, Expanded Mariposa Town Plan Study area. The General Plan Land Use Element 5.3.05 Natural Resources States:

“The Board of Supervisors has determined that parcels within the Natural Resource Land Use Classification on the Land Use Diagram, the existing zoning assigned to that parcel, as of December 1, 2006, is consistent with the Natural Resources land use classification.”

PDZ 87-1 Mariposa Industrial Park zoning applicable to the Project site was assigned to the Project Parcels prior to December 1, 2006. The PDZ 87-1 zone allows for processing uses and the Project is therefore consistent with the Planned Development Zone and the General Plan.

There are no specific plans applicable to the project site.

CUP Finding 8: That the project as approved will not have a significant effect on the environment, or the significant impacts have been eliminated or substantially lessened, or determined that the significant effects are unavoidable and acceptable due to overriding concerns.

Evidence: An Initial Study and a Subsequent Mitigated Negative Declaration were prepared for the Mariposa Biomass Project, pursuant to California Environmental Quality Act (CEQA, California Public Resources Code, Section 21000, et seq.).

Approval of a project with significant impacts requires that findings be made by the lead agency pursuant to the California Environmental Quality Act (CEQA, California Public Resources Code, Section 21000, et seq.), and State CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3) Sections 15043,

15091, and 15093. CEQA Guidelines Section 15092(b) requires a finding that the significant impacts of a project are either: (1) mitigated to a less-than-significant level or (2) that the public benefits of a project outweigh the significant impacts (requires a Statement of Overriding Consideration).

The Mariposa Biomass Project Initial Study concluded that all project impacts would be mitigable to less than significant; the project would not result in significant and unavoidable impacts. The project CEQA findings and mitigation and monitoring program are incorporated herein by reference.

CUP Finding 9: That the establishment, maintenance, or operation of the use applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the county

Evidence: This project proposes an industrial development directly adjacent to existing industrial uses. The Mariposa Industrial Park has been approved by the Board of Supervisors as an appropriate location for industrial activities and specific development standards have been incorporated into the Planned Development Zone to ensure that industrial activity is not detrimental to the neighborhood and County. Additionally, conditions of approval are recommended to ensure compliance with all standards of the PDZ. The Conditional Use Permit will establish written limits to the use and operation of the Mariposa Biomass Project. The Conditional Use Permit and project Initial Study will establish specific identified mitigation measures and conditions to address potential impacts the development may have on surrounding properties or properties in the community, including noise, light, traffic and outdoor activity (reducing impacts to a level of less than significant). Finally, this Conditional Use Permit will establish requirements for construction and ongoing operation of the Mariposa Biomass Project to insure no significant project impacts on persons residing or working in the neighborhood or in the community. There is a benefit to the health, safety, morals, comfort and general welfare of persons residing and working in the neighborhood to have established limits and mitigations such as will result from this project.

The Initial Study evaluated all potential environmental impacts of the proposed project and concluded that the project could occur with no significant environmental impacts based upon the implementation of adequate and feasible mitigation measures. These mitigation measures are incorporated into the project.

This Conditional Use Permit has been reviewed through a discretionary process, and there have been opportunities for public input on health, safety, morals, comfort and general welfare issues through the public process. All public input on these matters as well as input and recommendations from regulatory agencies with regulatory authority over the project have been considered. The Planning Commission has considered the Initial Study for this project. Finally, the Planning Commission has considered the staff report, project findings, the recommended conditions, and the CEQA Findings of Fact and Mitigation Monitoring and Reporting program, establishing requirements to address:

- Protection of special status plant species
- Protection of special status animal species
- Protection of cultural resources
- Minimizing grading and grading impacts
- Protection of trees and vegetation
- Elimination of off-site noise impacts
- Elimination of off-site lighting impacts
- Limitation to hours and days of outside construction activities
- Implementation of air quality requirements, including odor controls
- Implementation of a noxious weed program

- Implementation of Fire and Hazard requirements and fire protection
- Implementation of Airport Overlay requirements
- Roadway and site maintenance
- Aesthetics

The Planning Commission finds that with mitigation and conditions, the continued maintenance and operation of the use as conditioned will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort, or general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the county.

PDZ 87-1 FINDING 10: The project is consistent with all use and development standards of Planned Development Zone No. 87-1.

EVIDENCE: The project has been reviewed in accordance with all use and development standards established by Planned Development Zone No. 87-1.

The Biomass processing use fits into the following PDZ 87-1 uses as outlined in the following excerpts from PDZ 87-1 Mariposa Industrial Park Section:

“VI. Use Standards, A. Permitted Uses:

... 3. Processing uses- to include, but not limited, to bottling plants, creameries, wineries, laboratories, tire retreading, and cleaning, laundry and dyeing plants.

... 7. Agricultural Product Processing

...12. Other- manufacturing, processing, treatment, fabrication or assembly uses similar to those enumerated above.”

The project proposes an agriculture (forest) materials processing use and is similar to the other uses listed above and therefore a permitted use under PDZ-87-1

PDZ 87-1 states:

“...buildings shall not exceed 45 feet for any structure within the Mariposa Industrial Park. This standard shall not apply to radio/communication towers, power transmission towers or similar utility structures. Maximum allowable height for these types of structures is seventy-five feet. In no case shall these standards allow the construction of a building, tower or utility structure which encroaches into the approach zone established by the Mariposa County Airport Zone.”

The Project does not propose a building over 45 feet tall, although it does propose a 60 foot tall air exhaust stack (tower) that is a similar utility structure allowed by PDZ 87-1 height standards. The proposed 60 foot tall air exhaust stack does not exceed the 75 foot maximum height allowance for those types of utility structures.

The proposed air exhaust stack height of 60 feet does not penetrate the “imaginary conical surface” pursuant to the Airport Plans. The imaginary conical surface elevation directly above the proposed air exhaust stack location is 2532 feet. At the top of the proposed air exhaust stack of 60 feet, the elevation is 2454 feet. The top of the proposed air exhaust stack height is at an elevation of 2454 feet, being 78 feet below the imaginary

conical surface elevation of 2532 feet and therefore in compliance with the Airport Plans and Airport Overlay District.

Additionally, the Project must also demonstrate Airport Plan compliance to the Public Works Director as a new facility within the Airport Overlay Zone. Project compliance with all Federal Aviation Administration (FAA) and State Division of Aeronautics requirements is required in addition to the Initial Study Analyses. Conditions of approval include requirements for verifications from the agencies and Public Works Department approval prior to grading and/or building permit issuance in order to determine that the Project plans meet all applicable Airport related requirements.

The project, upon compliance with all recommended mitigation and conditions of approval, is consistent with the applicable standards.

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

- | | | | |
|-------------------------------------|---------------------|-------------------------------------|--------------------------|
| <input type="checkbox"/> | Building Division | <input checked="" type="checkbox"/> | County Health Department |
| <input checked="" type="checkbox"/> | Planning Commission | <input checked="" type="checkbox"/> | Public Works Department |

Other: Mariposa County Unified School District, California Department of Forestry and Fire Protection (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. And SCH 2018011038 Agency routing list.

No significant effect is based on additional conditions as follows: See attached

Initial Study was prepared by Steve Engfer, Associate Planner, and is on file at Mariposa County Planning Department, 5100 Bullion Street, Mariposa, California 95338



Sarah Williams, Director
Mariposa Planning



Date

CONDITIONS & MITIGATION MEASURES

(As approved by the Planning Commission)

Conditional Use Permit No. 2017-117

General

1. The Use Permit is approved for development and operation of the Mariposa Biomass plans dated January 19, 2018 (Staff Report Attachment B- Project Plans) and the project description as follows:
 - The construction of a 2.4 MW community based bioenergy facility and woodchip storage yard.
 - The facility will include several new structures including a gasification plant, engine generator enclosure, fire water tank, ash storage bin, feed system, electrical equipment enclosure and control room (8,600 square feet of new structures).
 - Feedstock storage is proposed to occur on Parcel 3, while the biomass facilities will be located on Parcel 4.
 - Access is proposed from Highway 49 No. to Gold Leaf Road, onto Copper Leaf Drive and driveway encroachments on Copper Leaf Drive.
 - Access for the delivery trucks will be a new driveway on Parcel 3 six days a week.
 - Truck deliveries will be limited to 7am to 5pm, 6 days per week.
 - Estimated to receive 3-4 chip trailer deliveries in addition to 8 to 10 small dump truck deliveries per day. The site is not proposed to be a public dump site. There will be no residential drop off of materials at the site.
 - The facility will operate 24 hours a day, 7 days a week.
 - 8 employees are proposed, although up to 10 employees may be required.
 - Water for the project is proposed by a shared well that produced 20 gpm at time of installation. The project applicant states that the project's water use will be 1.5 gpm.
 - 60 pounds per day of sludge will be generated by the facility which is proposed to be disposed of at the landfill.
 - 1.2 tons per day of dry ash will be generated by the facility and is proposed to be disposed of at the landfill.

The facility will utilize approximately 12,000 bdt (bone dry tons) per year of sustainably harvested forest biomass in a gasification process to produce a syngas. The syngas will be used to fuel two gas engine generators to produce electricity. (Additional project details may also be found in the attached Initial Study).

After the effective date of the Planning Commission approval of Conditional Use Permit No. 2017-117, the Mariposa Biomass Project shall be constructed in substantial conformance with the approved site plan, building elevations and project description as approved by the Planning Commission. Minor changes in the site plan and increase in project square footages up to 10%, may be considered and approved by the Planning Director if a finding is made that the changes would not necessitate a change in the Project environmental determination. Any substantial modification of the site plan requires additional public review.

2. No changes to the approved site plan, exterior design, color, or materials of any structure or landscaping shall be permitted without review by and written approval of the Planning Director pursuant to applicable conditions for the project.

3. Any representations the public hearing by the applicant or agents speaking on the applicant's behalf shall be reduced to writing and added as conditions of project approval.
4. The conditional use permit (CUP) shall be activated by the issuance of the first building or grading permit within 36 months from the effective date of Planning Commission approval of the project. Should activation of the permit(s) be delayed by any moratorium or excessive delays by a permitting agency over which the County of Mariposa does not exercise control, or should a lawsuit involving the approval of the CUP or related entitlements be pending in a court of competent jurisdiction, the 36 month clock shall be tolled until such time the court action or other delay has concluded. However, if the remaining time is less than 120 days, the permit shall be valid for 120 days following the termination of the moratorium or other event triggering the tolling of the period. The tolling period shall be initiated upon written notice by the applicant to the Planning Department setting forth the facts and circumstances justifying the tolling, and shall be immediately effective unless a written notice of rejection is issued by the Planning Director within 14 days of receipt of applicant's notice.
5. The applicant may request of the Planning Commission one 18-month time extension of the CUP initial time frame (as identified in condition no. 4 above) between the effective date of the approval of the CUP and the start of construction (building permit or grading permit issuance). The application must be made at least 90 calendar days prior to the initial approval expiration date.

The Planning Commission may impose any conditions and/or requirements it finds necessary to guarantee compliance with the project approval findings.

Any tolling provisions provided for by conditions of approval for the use permit shall remain in full effect. Time extension request provisions of this condition do not change any approved applicable tolling provisions.

6. An updated project development schedule shall be submitted to the Planning Director prior to issuance of a grading and/or building permit for the project. The Project schedule shall at a minimum include:
 - Outside agency permitting application estimated submittal timeline
 - Projected overall construction schedule
 - Estimated completion
7. No site disturbance activities shall commence without the issuance of a building or grading permit. Should there be no code requirement for such a permit, a letter authorizing site disturbance activities shall be issued by the Planning Director upon request and upon proof of relevant condition completion.
8. Prior to the issuance of any site disturbance, building or grading permits, the permit holder shall submit final site and construction plans. The final plans shall clearly be labeled to match the approved site plans except as necessary to comply with the project conditions or as allowed by 1. All physical construction for the project shall be in substantial conformance with the approved plans.

Botanical/Wildlife

9. Prior to the commencement of site disturbance activities of any kind, the Planning Director shall receive a detailed preconstruction survey clearly identifying areas which are proposed to be retained in natural vegetation (e.g. grasses, shrubs, trees and riparian vegetation). Accompanying the preconstruction survey shall be a construction management plan identifying how "non-disturbance areas" are to be physically protected during construction activities. Physical protection measures shall be in place prior to site disturbance.
10. Mitigation Measure 4.a.1.: A pre-construction survey based on CDFW protocols and survey periods for special-status species shall be performed by a qualified biologist to ensure that special-status species are not present. If any listed species are detected, construction shall be delayed, and the appropriate wildlife agency (CDFW and/or USFWS) shall be consulted and project impacts and mitigation reassessed and applied in conformance with biologist, CDFW and/or USFWS protocols. A verification letter from the CDFW that the survey was completed and protocols met shall be submitted to the Mariposa County Planning Department and approved by the Planning Director prior to grading or building permit issuance.
11. Mitigation Measure 4.c.1: A 10 foot setback shall be in place from the centerline of the onsite ephemeral drainage channel identified within the project Biological Study for protection during construction and operation: there will be no modification of stream banks or adjoining vegetation within the 10 foot setback either during construction or during operation. The construction site and grading plans prepared by a licensed engineer shall show the setback. Setback areas shall be flagged in the field and physically protected prior to and during construction activities.
12. Mitigation Measure 4.d.1. : If construction activities will occur during the nesting season (usually March to September), pre-construction surveys for the presence of special-status bird species or any nesting bird species should be conducted by a qualified biologist within 500 feet of proposed construction areas. If active nests are identified in these areas, CDFW should be consulted to develop measures to avoid "take" of active nests prior to the initiation of any construction activities. Avoidance measures may include establishment of a buffer zone using construction fencing or the postponement of vegetation removal until after the nesting season, or until after a qualified biologist has determined the young have fledged and are independent of the nest site.
13. Mitigation Measure 4.e.1.: There shall be no grading, leveling, soil compaction from the use of heavy equipment, or digging within the root zone of oaks identified in a pre-construction oak tree survey. During construction of onsite improvements, all such oaks located in the area of construction activity identified as not to be removed, shall have erected around the root zone-which is 1 ½ times the drip line of the oak tree crown or 15' whichever is greater-environmentally sensitive area fencing. This fencing shall remain installed, visible, and in good condition until all road construction, grading activities and other soil disturbance activities are completed. At the time of inspection of the completed improvements by the Building Department, Planning Director authorization for removal of the environmentally sensitive area fencing may be granted.

14. Prior to the commencement of construction activities, a tree removal and replacement plan for mature trees shall be prepared by a licensed landscape architect based upon accepted industry practice for approval by the Planning Director. The Plan shall incorporate appropriate measures to be taken to minimize the spread of non-native vegetation.
15. Conceptual landscaping plans are required prior to grading permit issuance and final landscape plans are required prior to building permit issuance; both of which require Planning Director approval. Landscaping plans shall provide vegetative screening of the site from streets, Hwy 49 and adjacent properties where possible as determined by the County. The applicant/operator shall plant a visual screen that effectively screens the visibility of the site improvements from streets, Hwy 49 and adjacent properties where possible in conformance with PDZ 87-1 standards. A planting plan shall be prepared by a landscape architect and be approved by the County; it shall use low water use trees and vegetation and shall identify the sizes of plantings. Plantings shall be irrigated and monitored for establishment for five (5) years, or as recommended by the landscape architect. If plantings die, they shall be replaced on a one-to-one ratio until established. Irrigation shall meet the 2015 Model Water Efficient Landscape Ordinance (CCR Title 23, Chapter 2.7), as certified by the project landscape architect.
16. Prior to the issuance of any building or grading permits, the permit holder shall submit to the Mariposa County Agricultural Commissioner copies of the construction management plan identifying how the permit holder will take steps to prevent the transport of noxious weeds to the site. Approval by the Agricultural Commissioner of such program shall be transmitted to the Planning Director.

Public Services

17. Prior to the issuance of any building or grading permits, the County Fire Chief and CALFIRE shall provide the Planning Director with a letter certifying that the design of the onsite accesses are of adequate width, grade, surfacing, and construction design to meet the requirements of the fire protection agencies.
18. The Project will construct a 110,000 gallon tank and achieve all fire flow requirements. Fire hydrants will be placed on the property as required by the local Fire agencies. The project will comply with state law relating to the storage of wood chips. All applicable CALFIRE FireSafe standards must be met and will be reviewed by County Fire and CALFIRE at the time of construction permit review and prior to Certificate of Occupancy.
19. Mitigation Measure 14.a.1: Prior to grading or building permit issuance the Project plans shall include all details necessary to show compliance with County Fire Department and CALFIRE requirements for fire protection including access, storage tank, hydrant location and fire flow. Approval letters by County Fire and CALFIRE to Planning Director shall be required prior to grading and or building permit issuance.
20. Prior to the issuance of any building or grading permits, the Planning Director shall receive a letter from the CALFIRE indicating the final project design meets the requirements for the Fire Protection State Responsibility Area Firesafe Requirements for driveway standards, gate standards, road standards, emergency water supply standards, fire hydrant standards, defensible space standards, as may be applicable and as otherwise specified in 14 CCR§1270 et. seq.

21. Prior to the issuance of any grading permits, the permit holder shall submit restoration surety in a form satisfactory to the County Counsel. The amount of surety shall be equal to an engineer's estimate of the cost of site preparation and grading, whichever is greater plus a 50% contingency. This amount of the surety is to be confirmed by the Department of Public Works and guaranteed by an appropriate agreement with the County. Upon completion of the grading final approval by the County, the required security shall be returned to the permit holder.
22. All Completed Unified Program Consolidated Forms and Materials Release Response Plan (Business Plan) shall be submitted to the County Environmental Health Department for review approval prior to the final Certificate of Occupancy of the project. (Ongoing compliance shall be required or conditional use permit revocation may occur). A Letter from the Health Department to the Planning Director Confirming that this condition has been met shall be required prior to Planning approval of the final Certificate of Occupancy for the project.
23. A project solid waste/material output plan is required for submittal and review by the County Environmental Health Division-Local Enforcement Agent and the Public Works Department-Public Works Director prior to grading permit issuance and a final plan approval must occur prior to Certificate of Occupancy for the project.
24. Based on its proximity to the Mariposa-Yosemite Airport, the project shall be designed in compliance with all applicable Federal Aviation Administration (FAA) and State Division of Aeronautics requirements. The applicant shall submit plans to the Public Works Department for review and approval pursuant to this condition. Written verification of approval by the Federal Aviation Administration (FAA) and State Division of Aeronautics shall be required and written confirmation that this condition has been met shall be submitted to the Planning Department by the Public Works Department prior to grading and/or building permit issuance.

Hydrology, Water and Wastewater

25. Mitigation Measure 18 e.1.: Prior to grading or building permit issuance, the relocation of the septic easement as shown on the grading plan and site plan must be completed and recorded to the satisfaction of the County Health Department- Environmental Health Division, County Surveyor and Planning Director.
26. The Project water well system shall meet all applicable local and state requirements including but not limited to State Division of Drinking Water requirements. The Planning Director shall receive verification from the County Health Department and State Water Resources Control Board, Division of Drinking Water that this condition has been met prior to the Certificate of Occupancy for the project.
27. The project shall install and maintain onsite pollutant control measures during project construction and operation as required ensuring NPDES compliance. The permit holder shall provide the Planning Director with a copy of its approved State Water Resources Control Board Construction Activity Storm Water Permit and or any operational storm water permit for industrial activities prior to grading and/or building permit issuance.

28. The project shall install and maintain onsite runoff attenuation facilities with sufficient capacity to reduce 100-year project stormwater runoff rates to those currently generated by the project site. The project engineered grading plans shall include these facilities. County Engineer approval the plan is required prior to grading permit issuance.

Air Quality/Greenhouse Gas Emissions

29. Project shall be designed to meet all County Air Pollution Control District (APCD) requirements and the Air Pollution Control Officer shall approve the project plans and contract specifications prior to the issuance building or grading permits as applicable.

30. All facilities operations, collection and transmission facilities shall incorporate appropriate equipment and design so that odors cannot be detected and that dust control protocols are in place. The Environmental Health Division Director shall approve the project plans prior to the issuance of construction permits, occupancy or facility operation as deemed appropriate by the Environmental Health Division Director.

31. Mitigation Measure Air Quality 3 (e) 1: An operational management plan that includes 1) odor control activities and 2) methods for the project operations that demonstrate industry standard protocols for any nuisance odor and 3) best management practices shall be prepared by an appropriately licensed air quality professional and approved by the MCAPCO prior to building permit issuance.

32. The project must obtain an "Authority to Construct" permit prior to building permit issuance for the project from the Mariposa County Air Pollution Control District (MCAPCD). Mariposa County Air Pollution Control District (MCAPCD) verification that this condition has been met shall be required prior to building permit issuance.

Traffic, Access and Circulation

33. Mitigation Measure 16.b.1.: Gold Leaf Drive approach improvements shall be improved to meet minimum road surface requirements for the intersection approach prior to Certificate of Occupancy for the project. CALTRANS and/or County Encroachment Permits shall be required as applicable prior to grading or building permit issuance.

34. Mitigation Measure 16.d.1.: Gold Leaf Drive shall be improved to meet CALTRANS radius requirements for the intersection approach prior to Certificate of Occupancy for the project. A CALTRANS Encroachment Permit shall be required prior to grading or building permit issuance. All encroachment improvements shall be completed prior to issuance of a Certificate of Occupancy for the facility.

35. The proposed Copper Leaf Drive driveway encroachments shall meet County standards. County Engineer approval of the encroachment design shall be required prior to grading permit issuance and improvements shall be approved prior to building permit final.

36. Proposed internal driveways, operational roads, truck turnaround and employee parking area shall be designed by the project engineer. Paving shall be required for dust and erosion control.

37. The Project access road from Copper Leaf Drive shall be completely on Parcel 4 unless an easement on the adjacent parcel (APN 012-050-068) for a portion of the access is obtained. IF easement is not obtained, all driveway improvements shall be on the Project Parcel 4 in the same general location as proposed, with increased width all encompassed on the project Parcel 4. Public Works Department, County Surveyor and/or County Engineer approval is required prior to grading permit issuance.
38. 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.
39. A parking plan that meets PDZ 87-1 Section V. On-site Parking Standards must be submitted to, and approved by, the County Planning Director prior to grading and/or building permit issuance.

Aesthetics

40. All on-site lighting fixtures shall be designed to be in compliance with the model lighting code developed by the International Dark Sky Association and shall be shown on the building permit plans and approved by the Planning Director prior to the installation of any fixtures. The Director may require plan review by a lighting specialist to ensure condition compliance. Applicant shall pay all costs associated with this review.
41. Plans shall be designed to be in compliance with PDZ 87-1 Section III. Improvement Standards, Section IV. Signs and Advertising Displays, Section V. On-site Parking Standards, Section VII. Activity Standards, Section VIII. Design Standards. Elements including, but not limited to, architectural elevations, material types and paint colors shall be included. Planning Director approval of the plans is required prior to grading permit, building permit and/or occupancy, permit issuance determined by the Planning Director.
42. A site security and signage program shall be required. Elements shall maintain compliance with PDZ 87-1 Section IV. Signs and Advertising Displays standards including but not limited to fencing, signage. Program shall be approved by the Planning Director prior to grading or building permit issuance.

Cultural and Historical Resources

43. Mitigation Cultural Resources 5.d.1 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 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.

Noise

44. Mitigation Measure 12d.1: Within the facility start up and operational testing period and prior to building permit certificate of occupancy, noise testing shall be conducted and a noise monitoring report shall be submitted to the Planning Director for review and verification that project operating noise levels do not exceed limits established by PDZ 87-1 Section VII. Activity Standards, A. Noise. If the monitoring report finds that the noise thresholds are in exceedance of PDZ 87-1 allowances, then the report shall provide recommendations for appropriate noise reduction measures that reduce noise levels to meet the PDZ 87-1 standards and those recommendations shall be incorporated into the project. A certificate of occupancy shall not be issued until the noise monitoring concludes that the noise is below the PDZ 87-1 limits. The report shall be prepared by an appropriately licensed or qualified professional.

Additional Conditions

45. The Property Owner (Owner) shall indemnify, protect, defend, and hold harmless the County, and any agency or instrumentality thereof, and officers, officials, employees, or agents thereof, from any and all claims, actions, suits, proceedings, or judgments against the County, or any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof to attack, set aside, void, or annul, any approval of the County, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the County, concerning the project and the approvals granted herein. Actions concerning the project and approvals granted shall include, but not be limited to, the environmental determination made pursuant to the California Environmental Quality Act (CEQA). Furthermore, Owner shall indemnify, protect, defend, and hold harmless the County, or any agency or instrumentality thereof, against any and all claims, actions, suits, proceedings, or judgments against another governmental entity in which Owner's project is subject to that other governmental entity's approval and a condition of such approval is that the County indemnify and defend such governmental entity. County shall promptly notify the Owner of any claim, action, or proceeding. County will further cooperate in the defense of the action.

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.

46. Prior to issuance of permits, all fees associated with the County's processing of the map and filing of associated CEQA documents (applicable to the conditional use permit) shall be paid. The Department of Fish and Wildlife CEQA filing fee (\$2,280.75 as of January 1, 2018) and County Clerk fee (\$50 as of January 1, 2018) shall be paid by the applicant within five (5) working days of the approval of the application (by Friday, March 2, 2018, 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, March 2, 2018 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 **\$2330.75** (effective January 1, 2018), and that it be in the form of a cashier's 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 1st of each year, pursuant to Fish and Game Code.

47. Proof of binding legal right for Public Utility Easement/s to accommodate the utility service connection from the Mariposa Biomass facility to PG&E facilities/infrastructure shall be required for submittal, review and approval by the County Surveyor prior to grading and/or building permit issuance.

**Mariposa Industrial
Park
Planned Development Zone
Mariposa County, CA.**

Prepared for:

Jim Bardini

Prepared By:
Community Concepts
April 1987



**COMMUNITY
CONCEPTS**

P. O. Box 249
Mariposa, California 95338

Mariposa Industrial Park

Bardini Planned Development Zone Application

Introduction and Background:

The following document is a development plan for the **Mariposa Industrial Park** planned development zone. This plan is prepared in accordance with requirements of Mariposa County Code, section 17.10.060 through 17.10.140. The project site is located on Highway 49 North, approximately 2.5 miles west of the community of Mariposa¹ and 1.5 miles east of the Mariposa-Yosemite Airport.

The project site contains 17.1 acres and has approximately 1,435 feet of frontage along Highway 49 N. Access to the site is from an existing paved road which intersects with Highway 49 N. near the northeastern corner of the parcel. Plans call for continuing this road in a loop that will intersect Highway 49 N. near the northwest corner of the property. Prior development on the site has resulted in the creation of a parcel which now serves as the site of the Pro-Flame bulk storage propane facility. A one acre portion of the project site is presently being used by Outback Materials as a batch concrete facility.

The following application contains information on the project, required findings and a PD zoning plan. The project involves a major subdivision and a rezoning, in accordance with Mariposa County Code. The zone will set the standards for the uses that can occur on the project site and will be administered like described county zoning provision. The subdivision will be developed in two phases and the private road and water system will be maintained by the property owners through a property owners association.

Surrounding Land Uses:

The attached area map, Exhibit "A", describes the site location and surrounding land uses. To the north of the project site, across Highway 49 N., is the Mykleoaks Ranches Subdivision. This subdivision contains 29 lots of an average of 4.03 acres per parcel. Parcel sizes range from 1.76 acres to 8.27 acres. To the south and west of the project area, the land is used for agricultural grazing and is in the Mountain General (40 acre minimum parcel size) land use classification on the Mariposa County General Plan Land Use Map. The 2.5 acre parcel adjoining the site to the east is used as a bulk storage site and further east is the Mariposa County animal shelter, solid waste landfill and PG & E utility substation.

Subdivision:

The **Mariposa County Industrial Park** includes a 10 lot subdivision to be submitted in accordance with Mariposa County Code Section 16.28. The subdivision lots will be developed in two units as described on Exhibit "B", with an average lot size of 1.7 acres. This subdivision is consistent with the Mariposa County General Plan Land Use Element, Section 3.602-A. This section states:

"Minimum parcel or lot size shall apply to all proposal or action which will result in the creation of a parcel or lot or the modification of the dimensions or land area of a parcel or lot. Minimum lot size may be waived by the Planning Commission or Board of Supervisors where the created or modified parcel or lot is intended to be utilized for non-residential purposes provided enforceable restriction are placed on

¹ At the intersection of Highway 140 and 49 North.

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the parcel or lot to preclude its use for residential purposes. For purposes of utilizing this provision, non-residential purposes shall mean a public use such as a park, playground or other public facility, commercial or industrial uses exclusively."

The application of the use standards contained in this Industrial Park Development Plan are intended to restrict residential development on the project site in compliance with the provisions of the Mariposa County General Plan.

Mandatory Findings:

State Law² requires that all zoning decisions be consistent with the general plan. Section 2.603 of the Mariposa County General Plan defines consistency as follows:

- "1. An action, program or project is consistent or in conformance with the Mariposa County General Plan if it supports, accomplishes, or has no effect on the policies and standards and furthers, or has no effect on, the goals of the plan."*
- "2. An action, program or project is inconsistent or not in conformance with the General Plan if it results in achieving an effect that, in a material way, is contrary to the policies and standards of the plan or is determined by the county to have an overall negative effect on the goals of the general plan."*

The plan further states that the county may adopt findings of consistency at the discretion of the Planning Commission or Board of Supervisors, whichever body hears and determines the matter. In the event that the county determines that findings are required, the following findings of general plan consistency are suggested:³

1. The proposed uses are determined to be compatible with the development policies of the Mountain General (MG) Land Use Classification of the Mariposa County General Plan. This determination is based upon the regulations of the land use district which allows for diverse uses because of terrain characteristics and low residential densities common to the lands within the MG land use classification.
2. The proposed uses are not expected to be a substantial detriment to adjoining land used classifications and existing uses in the area due to the nature of the regulations applied to uses which may be established on the project site. These regulations are specifically designed to eliminate or minimize potential detrimental effects, or significantly reduce them to the point that they are not substantial.
3. The proposed uses will not expected to create a nuisance, or be significantly detrimental to health, safety, peace, and comfort of present residents or future residents of the area due to the general requirements of Mariposa County Code and the site specific regulations applied to this Planned Development (P-D) zoning district.
4. Due to development design and regulation standards of the proposed P-D zone, the

² Government Code Section 65860.

³ The suggested findings are based upon the required industrial zoning findings as set forth in sections 3.403, subsections C & D, of the Mariposa County General Plan.

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proposed uses will not have more than a minimal detrimental effect on the property values in the area.

5. The proposed uses are logical and desirable at the proposed site, given the general character of existing development in the area and the overall county need to provide for the types of uses proposed on the site.
6. The proposed uses, as set forth in the **Mariposa Industrial Park** zoning plan, promotes and complements the goals, policies and standards of the Mariposa County General Plan, including the Land Use Element, Open Space Element, and other elements of the plan. The P-D zone, as proposed, contributes to the orderly development of the area within which it is applied.
7. The proposed uses are logical and desirable to provide expanded employment opportunities and retain existing job, which may be lost due to the lack of suitable sites. The services and activities provided for within this P-D zone are necessary to the community and the region.

Section 17.10.030 of Mariposa County Code requires that certain findings must be made before a P-D zone application can be approved by the Mariposa County Board of Supervisors. The findings area as follows:

"a. Each individual unit of the development, can exist as an independent unit capable of creating a good environment in the locality and being in a stage as desirable and stable as the total development."

The phasing plan contained in Section VIII of the following **Mariposa Industrial Park Development Plan** is designed to assure that development of the project results in construction of independent units capable of creating a good environment in the locality; additionally the project will be in a stage as desirable and stable as the total development.

"b. The uses proposed will not be a detriment to the present and proposed surrounding land uses, but will enhance the desirability of the area and have a beneficial effect".

The proposed uses, and the overall project design, will not be a detriment to present and proposed surrounding land uses. The proposed project development standards create a buffer and a transition zone between the uses to the east of the site and those to the north and west of the **Mariposa Industrial Park**.

"c. Any deviation from the subdivision title requirements is warranted by the design and additional amenities incorporated into the development plan which offer certain unusual redeeming features to compensate for any deviations that may be permitted.

The development of the **Mariposa Industrial Park** will result in a deviation from the subdivision requirements of the Mariposa County Code to the extent that the minimum parcel size will be smaller than the stated size of the general plan. The use of the property is restricted to non-residential uses as a result of this zoning proposal. This deviation from the subdivision requirements of the county is warranted by the need to design parcels appropriate for industrial uses.

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"d.The principles incorporated in the proposed development plan indicate certain unique or unusual features which could not otherwise be achieved under standard subdivision provisions."

The industrial use standards, in combination with the general design and lot sizes proposed within the **Mariposa Industrial Park**, could not have been proposed through the standard subdivision provisions of the county without the approval of the P-D zone.

The California Subdivision Map Act⁴ requires that the legislative body find that a subdivision map is consistent with the general plan. The fact that the proposed subdivision averages 1.7 acres per parcel in an area that is classified in the Mariposa County General Plan is Mountain General with a 40 acre minimum parcel size. This apparent inconsistency is resolved in section 3.602A of the general plan where it states that the "*minimum lot size may be waived by the Planning Commission or Board of Supervisors where the parcel or lot is intended to be utilized for non-residential purposes.*"

The granting of the requested waiver of the minimum lot size by the Mariposa County Planning Commission will result in this subdivision becoming consistent with the Mariposa General Plan. The following finding can be made:

The **Mariposa Industrial Park** subdivision is a non-residential subdivision in accordance with section 3.602A of the Mariposa County General Plan and therefore the minimum parcel size standards, as required by the general plan, do not apply. As a result of the application of the **Mariposa County Industrial Park Planned Development Zone** to the property, residential uses of the property are precluded.

⁴ Government Code Section 66473.5.

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The Mariposa Industrial Park Development Plan

I. Project Description:

The following development plan details are provided as a supplement to the project plot plan (See Exhibit "B"). The **Mariposa Industrial Park** is a planned development which includes an industrial zoning proposal and a 10 lot subdivision. In accordance with section 17.10.050, subsection "B", of Mariposa County Code, all uses of the site will require a use permit to be issued by the Mariposa County Planning Commission. The use permit will not require a public hearing provided that the use complies with the provisions and standards of this development plan. A deviation from the standards provided in this plan may be permitted by the planning commission following a public hearing being held on the matter.

The following sections set forth the standards by which all structures will be built and all uses will be conducted on the site.

II. Definitions:

With the exception of the following, specific words, terms and phrases contained in this plan shall have the meaning given to them by Mariposa County Code, with specific reference to Title 17 of Mariposa County Code.

- a. **Building Line.** An imaginary line parallel to the street right-of-way line specifying the closest point from this street right-of-way line that a building structure may be located except for normal overhangs, stairs, and sunscreens.
- b. **Right-of way Line.** When reference is made to right-of-way line it shall mean the edge of the dedicated easement of all interior roads within the **Mariposa Industrial Park** and the right-of-way line of Highway 49N.
- c. **Sign.** Any structure, device or contrivance, electric or non-electric, and all parts thereof which are erected or used for advertising purposes upon or within which any poster, bill, bulletin, printing, lettering, painting, device or other advertising of any kind whatsoever is used, placed, posted, tacked, nailed, pasted, or otherwise fastened or affixed.
- d. **Watchmen or Security Facilities.** A building, structure or a portion of a structure designed to accommodate a watchmen to guard and protect property within the **Mariposa Industrial Park**. Such facilities shall not exceed 500 square feet in total floor area and must be approved as part of the overall development plan for the individual lot or parcel.

III. Improvement and Building Standards:

The following standards will apply to the development and improvement of the **Mariposa Industrial Park**. The standards will become part of the zone which will be applied to the project area. The standards will be utilized by the Mariposa County Planning Commission for approval of a development permit⁵ on the project site. Development projects, which are proposed on the project site and do not comply with these standards, may require a use permit and a public hearing, as

⁵ A development permit is the term that is used for a use permit that does not require a public hearing but otherwise requires planning commission review and approval.

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determined by the planning commission.

1. **Building Height** shall not exceed 45 feet for any structure within the **Mariposa Industrial Park**. This standard shall not apply to radio/communication towers, power transmission towers or similar utility structures. Maximum allowable height for these types of structures is seventy-five feet.
2. **Lot Area Coverage** shall not exceed 25% of total net lot area of any individual lot by buildings, sheds, barns, or similar structures.⁶
3. **Distance Between Structures** shall be no less than twelve (12) feet.
4. **Minimum Setback** from interior lot lines, or from a fence or wall on the boundary of the property, shall be twelve (10) feet.⁷ Minimum setback from street right-of-way boundaries is ten (10) feet.
5. **Setback Improvements**, within an interior lot line setback area, may include fencing, landscaping and similar uses. An interior lot line setback area shall not be allowed to be improved with a building or similar above ground improvement. No improvements, with the exception of landscaping, directional signs of not over two feet in height, and site access improvements will be permitted within the street right-of-way setback area.
6. **Landscaping** shall be required on all parcels within the **Mariposa Industrial Park** in accordance with the following provisions. Natural vegetation may be deemed appropriate for landscaping purposes when properly maintained. Within fifty feet of all buildings and similar structures, dry grass, brush and other flammable vegetative matter shall be cleared and lower limbs of trees shall be removed to a height of eight (8) feet as may be required by the Mariposa County Fire Warden. Other landscaping provisions are as follows:
 - a. The Front Yard Setback Area of each Site should be landscaped with an effective combination of trees, ground cover and shrubbery. All unpaved areas not utilized for parking shall be should be landscaped in a similar manner.
 - b. Side and Rear Yard Setback Areas should be landscaped utilizing ground cover and/or shrub and tree materials.
 - c. Undeveloped areas proposed for future expansion shall be maintained in a brush-free condition.
 - d. Areas used for parking should be landscaped and/or fenced in such a manner as to interrupt or screen said areas from view from access Streets, State Highway 49, and adjacent properties where possible. Plant materials used for this purpose shall consist of lineal or grouped masses of shrubs and/or trees.
7. **Outdoor Storage Areas** shall be visually screened from access Streets, State Highway 49 and adjacent property to the maximum feasible extent. Screening shall

⁶ Within the context of this plan, maximum lot area coverage standards shall not apply to parking or outdoor storage areas.

⁷ The purpose of these setback provisions is to provide a clear unobstructed distance of no less than twelve feet around all buildings and structures, for emergency vehicle access.

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form a complete opaque screen up to a point eight (8) feet in vertical height but need not be opaque above that point. No storage shall be permitted between a frontage street and the Building Line.

8. **Security Lighting** shall be permitted on all lots within the Mariposa Industrial Park provided that such lighting is not located more than fifteen feet above ground or is directed off of the premises toward another site or building. Security lighting shall not be restricted from being used to light the exterior of a building or sign but it shall not be situated in such a manner as to reflect into a street or road and create a hazard to traffic.
9. **Fencing and Screening** may be erected at a height not to exceed twelve feet.
10. **Lot Access** will be achieved exclusively from within the development. Individual lots may not develop access directly to highway 49 N.

IV. Signs and Advertising Displays:

Signs and advertising displays shall not be erected or maintained on any lot or parcel except in accordance with the following provisions. The following standards shall not apply to directional or traffic safety signs. Construction signs or future tenant identification signs shall conform to the general sign provisions of this section.

1. Individual signs or advertising displays may be erected on a lot provided that they do not exceed twelve feet in height (unless they are attached to a building). If a sign or advertising display is attached to a building, it may not be placed above the building eaves or exceed twenty-five feet in height, whichever is the lesser of the two heights and shall be flush mounted.
2. Neon, rotating, gyrating blinking or signs moving in any animated fashion are not permitted within the **Mariposa Industrial Park**. The lighting of signs shall be by means of back-lighting or by indirect lighting techniques.
3. No sign or advertising display shall exceed 64 square feet of advertising display area on a single side. Total advertising display area on an individual lot shall not exceed 128 square feet in advertising display area.
4. All signs shall be erected in such a manner as to display their advertising surface(s) towards an interior street of the **Mariposa Industrial Park** and shall not be directed towards, or generally visible from, Highway 49 North.
5. Signs shall be restricted to advertising only the person, firm, company or corporation operating the use conducted on the Site or the products produced or sold thereon.
6. Signs advertising the sale, lease, or hire of a lot or parcel shall be permitted in addition to the other permitted signs listed in this section provided that said sign does not exceed thirty-two (32) square feet in total advertising area.
7. A sign will be erected at each of the two **Mariposa Industrial Park** entrances at a site designated on the site plan for the project (Exhibit "B"). The entrance signs shall generally conform to the design as shown on Exhibit "C".

V. On-Site Parking Standards:

All present and future vehicle parking, including trucks, trailers, employee and visitor parking,

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shall be provided on individual lots within the Mariposa Industrial Park. Parking areas may be graveled or surfaced. When parking areas are not designated by stripping or other means, parking spaces shall be calculated on the basis of 500 square feet of parking area per required parking space. Designated parking spaces shall be a minimum of 10 feet wide by 20 feet in length. No parking area will be permitted within building set back lines. On-site parking will be provided on each lot in accordance with the following table of uses.

1. ***Manufacturing, Processing and Fabricating Uses:***
 - a. One space per 800 square feet of active use area within a building; and
 - b. One space per 1,000 square feet of storage area within a building; and
 - c. One space per 2,000 square feet of outdoor active use area; and
 - d. One space per 5,000 square feet of outdoor storage area.
2. ***Warehousing:***
 - a. One space per 2,000 square feet of use area for the first 10,000 square feet; and
 - b. One space per 5,000 square feet of use area thereafter.
3. ***Mini-Storage:***
 - a. Two spaces for the Management office.
4. ***Wholesaling and Distribution:***
 - a. One space per 1,000 square feet of use area for the first 10,000 square feet; and
 - b. One space per 3,000 square feet of use area thereafter.
5. ***Agricultural Processing:***
 - a. One space per 1,000 square feet of use area.
6. ***Wineries:***
 - a. One space per 1,000 square feet of active use area; and
 - b. One space per 3,000 square feet of storage.
7. ***Farm Equipment and Supplies:***
 - a. One space per 500 square feet of floor area; and
 - b. One space per 1,000 square feet of outdoor use area.
8. ***Nurseries:***
 - a. One space per 1,000 square feet of floor area; and
 - b. One space per 3,000 square feet of outdoor use area.
9. ***Auto and Vehicle Dealers:***
 - a. One space per 400 square feet of showroom; and
 - b. One space per 3,000 square feet of outdoor use area; and
 - c. Two spaces per service bay; and
 - d. One space per employee.
10. ***Building Materials and Hardware:***
 - a. One space per 200 square feet of floor area; and
 - b. One space per 10,000 square feet of outdoor use area; and
 - c. One space per employee.
11. ***Auto Repair and Service:***
 - a. Two spaces per service bay; and
 - b. One space per 800 square feet of floor area; and
 - c. One space per 1,000 square feet of outdoor vehicle storage area.

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12. **Equipment Rental:**

- a. One space per 300 square feet of floor area; and
- b. One space per 1,000 square feet of outdoor use area.

13. **Contract Construction Services:**

- a. One space per 500 square feet of floor area; and
- b. One space per employee.

14. **Business Office Uses:**

- a. One space per 350 square feet of floor area; but
- b. Not less than 2 spaces per office.

15. **Other Uses:**

- a. Parking requirements will be determined by the Mariposa Planning Commission based upon the similarity of the proposed use and the standards described above.

Off-street loading facilities will be developed on each parcel as necessary to accommodate the needs of the use established on the parcel.

VI. Use Standards:

Each and every lot within the **Mariposa Industrial Park** shall be subject to the following provisions with respect to the uses of buildings, structures or lot area .

A. Permitted Uses. The following uses are deemed to be permitted uses and are allowed to be conducted within the **Mariposa Industrial Park** subject to the other provisions of this plan.

1. **Manufacturing Uses** to include but not limited to:

- a. Automotive, boat and other vehicle assembly, repair and painting.
- b. Boat and boating equipment manufacturing and repair.
- c. Ceramic products, sign manufacturing, electrical parts and components manufacture/assembly and engine rebuilding and assembly.
- d. Machinery and shop uses including cabinet and carpentry shops, machine shops, paint shops, sheet metal shops and similar shop uses.

2. **Compounding, and Assembly Uses** to include but not limited to:

- a. The manufacturing, compounding, and packaging of products such as bakery good, candy, cosmetics, health foods and pharmaceuticals.
- b. The manufacturing, compounding, assembly and treatment of articles or merchandise from previously prepared materials such as canvas, cellophane, cloth, glass, plaster, plastics or synthetics, etc.
- c. Radio, television and other communication equipment storage, assembly, repair and wholesale.
- d. The manufacturing of rubber or metal stamps, shoes and other footwear.

3. **Processing Uses** to include, but not limited to, bottling plants, creameries, wineries, laboratories, tire retreading, and cleaning, laundry and dyeing plants.

4. **Fabrication Uses** to include, but not limited to, fabrication of products from finished rubber, metal or plastic or assembly of electric and electronic equipment.

5. **Warehousing Distribution and Wholesaling Uses** including the bulk storage and/or sale of gasoline, propane or similar petroleum products.

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6. *Mini-Storage Uses.*

7. *Agricultural Product Processing.*

8. *Outdoor Sales* such as farm equipment sales, farm supplies, nurseries, vehicle sales, boat sales, building materials and hardware sales, equipment rental yards and similar uses.

9. *Resource Recovery Yards* including, but not limited to, auto dismantling and storage yards, used materials recycling centers, scrap yards, etc.

10. *Contract Construction Services and Equipment Yards* including concrete batch plants, aggregate storage and sales, etc.

11. *Public Utility Facility Uses*, including maintenance yards, substations and other public utility facilities.

12. *Other* manufacturing, processing, treatment, fabrication or assembly activities similar to those enumerated above.

13. *General Business and Administrative Offices*, other than professional service offices such as doctors, attorneys and similar professional offices.

14. *Research, Development and Electronic Testing Uses* to include research laboratories and facilities, developmental laboratories and facilities and compatible light manufacturing relating to the following examples:

- a. Bio-Chemical
- b. Chemical
- c. Film and Photography
- d. Medical or Dental
- e. Metallurgy
- f. Pharmaceutical
- g. X-Ray

B. Accessory Uses. Unless otherwise prohibited, accessory uses are permitted to include:

1. Loading and unloading facilities, parking areas and shipping terminals.
2. Water and wastewater treatment facilities and systems.
3. Incidental services, such as cafeterias etc., to exclusively serve employees in the area.
4. Watchmen accommodations and other security facilities.
5. Accessory buildings and uses customarily appurtenant to a permitted or conditional use such as an incidental storage facility, garage, etc.
6. Communication facilities and structures.
7. Sales offices, showrooms, business offices, etc.

C. Prohibited Uses. Within the Mariposa Industrial Park the following uses are prohibited:

1. All residential uses except for watchmen accommodations.
2. Asphalt batch plants, sand and gravel or rock crushing plants, and mineral processing stamp or ball mills.
3. Abattoir, blast, cupola or metal furnace (except gas or electric fired for limited use) coke ovens, dehydrators, distillation of bone, dog or cat food factory, fat rendering, garbage or refuse disposal (except solid waste collection sites), refining of petroleum products, rolling mills, salt works, sand blasting (when conducted outside of a building or structure), smelting, soap works, tanning or wood distillation and slaughter houses.
4. The manufacture of acetylene gas, acid, ammonia, asbestos, asphalt or explosives.

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VII. Activity Standards:

All uses within the **Mariposa Industrial Park** are subject to the following use activity standards. The intent and purpose of these restrictions is to allow the location of general manufacturing activities and other similar uses within the **Mariposa Industrial Park**. Through the enforcement of the following standards it is expected that permitted activities will not contribute excessive noise, dust, smoke or vibration to the surrounding environment nor create a high hazard potential to surrounding uses and property.

- A. **Noise.** Within the **Mariposa Industrial Park** the following regulations, regarding the production or generation of sound, shall apply:
1. Noise levels at any interior property line shall not exceed the 70 dBA level.⁸
 2. Noise levels at the boundary of State Highway 49 North shall not exceed the 55 dBA level.
 3. Noise levels at all other external boundaries of the **Mariposa Industrial Park** shall not exceed the 70 dBA level.
- B. **Fire Hazard.** Within the **Mariposa Industrial Park**, the handling, storage and use of flammable and explosive materials or products are subject to the following regulations:
1. Occupancy Combustibility Class C-1 through C-3⁹
There will be no restrictions or special operating standards applied to uses within these three Occupancy Combustibility Classes.
 2. Occupancy Combustibility Class C-4
All uses within this Occupancy Class shall be conducted within buildings equipped with automatic sprinkler systems installed to the specifications of the Mariposa County Fire Warden.
 3. Occupancy Combustibility Class C-5
All uses within this Occupancy Class shall:
 - a) be conducted within a building equipped with automatic sprinkler system installed to the specifications of the Mariposa County Fire Warden, and
 - b) the building within which the activity is conducted must be of Construction Class 3¹⁰ (Non-Combustible) or higher.
 4. Fuel Modification

⁸ A decibel (dB) is the most commonly used unit to express sound relative to a reference pressure of 20 micronewtons per square meter. A zero dB"A" scale is the threshold of hearing and a 140 dB"A" is the threshold of pain. Sound levels in decibels are calculated on a logarithmic basis, hence an increase in 10 dB is perceived as a doubling of noise; i.e. 50 dB is twice as noisy as 40 dB.

The "A" weighted sound level is the sound pressure level in decibels, as measured on a sound level meter using an "A"-weighting filter network. The "A" -weighting filter de-emphasizes the very low and very high frequency components of sound in a manner similar to the response of the human ear. This gives good correlation with subjective reactions to noise by individuals.

⁹ Refers to the *Occupancy Combustibility Classifications* contained in the *Fire Suppression Rating Schedule Edition 6-80* which refers to the Commercial Fire Rating Schedule published by the Insurance Services Office.

¹⁰ Ibid

Mariposa Industrial Park

Fuel modification on all exterior property boundaries within the **Mariposa Industrial Park**, including Highway 49 N., will be thirty (30) feet. Buildings located within the thirty foot fuel modification area will conform to the following:

- a) Type 1 and 2¹¹ buildings will be permitted no closer than twelve (12) feet to an exterior property line.
- a) Type 3 and 4 buildings will be permitted no closer than twenty (20) feet to an exterior property line.
- a) Type 5 and 2 buildings will be permitted no closer than twenty-five (25) feet to an exterior property line.

4. Sprinkler Systems Required

Maximum size of a nonsprinkled building shall be three thousand (3,000) square feet.

No building or structure over 400 square feet in floor area, or any building used for the storage or handling of freeburning to intense burning materials¹², can be constructed within the **Mariposa Industrial Park** which would be classified as belonging to Construction Class 1 of the Commercial Fire Rating Schedule.

- C. **Toxic Material.** Within the **Mariposa Industrial Park**, the handling, storage and use of Toxic materials or products are subject to the regulations of the State of California and the County of Mariposa.
- D. **Odor.** Within the **Mariposa Industrial Park**, any condition which results in the creation of odors of such intensity and character as to be detrimental to the health and welfare of the public or which interferes unreasonably with the comfort of the public shall be removed, stopped or so modified as to remove the odor.
- E. **Nuisance.** Within the **Mariposa Industrial Park**, no portion of the of the property shall be used in such a manner as to create a nuisance to adjacent sites, such as but not limited to vibration, sound, electro-mechanical disturbance and radiation, electro-magnetic disturbance, radiation, air or water pollution, dust emission of odorous, toxic or noxious matter.

VIII. Design Standards.

The Mariposa County General Plan requires site and design review for non-residential development proposed along all State Highways in the county.¹³ The plan states that the Planning Commission may approve development proposals within the project does not significantly detract from the natural scenic qualities of the travel highway. The **Mariposa Industrial Park** project site is situated along a low ridge effectively blocking any natural vista to the south of the project site. The project site itself does not contain any unique view or scenic resource other than its land form and oak Woodland Vegetative cover.

For purposes of review, the following standards shall be applied to the project site:

1. All excavation shall be done with a cut and fill slope that does not exceed a 2:1 (Rise:Run) ratio. All cut and fill slopes shall be revegetated.

¹¹ Building types are per the 1982 Edition of the Uniform Building Code, Chapters 18, 19, 20, 21 and 22.

¹² Free burning to intense burning materials includes all liquids with an open cup flash point of less than 182 degrees F.

¹³ Section 6.504 of the Conservation Element of the Mariposa County General Plan.

Mariposa Industrial Park

2. All outdoor storage or sales areas shall be screened from the view of Highway 49 North. Appropriate screening techniques include the use of fencing or vegetation or a combination of both.
3. All buildings and structures, that are visible from Highway 49 North, shall be painted or colored with an earth tone color such as a shade of brown or green.

Due to the nature of the area, and the development that has occurred near the site, there will be no architectural review standards for buildings and structures erected or proposed to be erected on the site.

VIII. Development Phasing:

The project will be developed in two phases. Phase I will result in the creation of four lots off of the existing road as shown on the site plan (Exhibit "B"). Phase II is proposed to be undertaken when the phase I project is sold. It is expected that the phase II portion of the project will be undertaken within three years of project approval. The entire project will be completed within five years of approval of the tentative subdivision map by the County of Mariposa.

IX. Enforcement/Implementation:

The **Mariposa Industrial Park PD** zone shall become an uncodified section to Title 17 of Mariposa County Code. All provisions of the zone shall be enforceable by the county as is any other zoning provision of County Code. Review will occur upon application for a building permit. Any change in use or occupancy status requires building and planning review as a matter or normal review. Any violation of the provisions of this zone shall be subject to the penalties and enforcement provisions of applicable section of Mariposa County Code and State Law. For purposes of enforcement of the provisions of this Planned Development Zone, any violation by an individual, or group of individuals, shall not constitute a violation on other land owners or individual businesses operated within the **Mariposa Industrial Park**.

X. Infrastructure:

Within the **Mariposa Industrial Park**, water, wastewater and road systems will be maintained in accordance with the follow provisions.

1. Water System:

The Park water system will be owned and maintained by the Park developer who will set up a private water company. At some future point in time, when the Park is fully developed, a mutual water company will be formed and ownership will be transferred to Park property owners. Upon completion of the second phase of the subdivision, a total of 45,000 gallons of water storage will be developed within the **Mariposa Industrial Park**. Prior to recordation of the Phase I map for the subdivision, the existing water system will be upgraded to comply with the addition of a pressure system to comply with the requirements of section 10.03 (B), Subsections 1 & 2, of the Mariposa County Improvement Standards. Fire hydrants, cul-de-sacs, and property entrances will comply with the requirements of the Mariposa County Fire Warden.

2. Wastewater Disposal:

Wastewater disposal will be by means of individual septic system installed on each parcel. Percolation tests will conducted at the time of construction on each parcel. Tests will be conducted at the location of the proposed septic system for each parcel. Percolation testing will not be conducted at the tentative map for final map stage of development due to the fact that not all parcels will require on-site wastewater disposal and some projects will have unique development proposals which could require specially designed or engineered systems.

3. Streets and Roads:

All roads within the the **Mariposa Industrial Park** will be constructed to full county

Mariposa Industrial Park

improvement standards. The road system will be maintained by a property owners association in accordance with covenants that will be developed for the subdivision. All road encroachments shall be issued by the Mariposa County Road Department, at the time of issuance of a construction permit, and shall conform to the design and construction standards of the County of Mariposa.

Other improvements and plans for the **Mariposa Industrial Park** will be developed as follows:

- 1. Solid Waste Collection Sites** shall be provided on each individual parcel.
 - 2. Drainage, and Grading Plans** shall be developed, and approved by the Mariposa County Planning Commission, for Phase II of the subdivision prior to recordation of the final map for Phase II.
-

**Mariposa Industrial
Park
Subdivision & Planned Development Zone
Application**

Prepared By:
Community Concepts
March 1987



P. O. Box 249
Mariposa, California 95338



Planning Commission

5101 Jones Street
Post Office Box 2038
Mariposa, California 95338

PLANNED DEVELOPMENT ZONE

Application Form

Date Received _____
Received by _____
Complete _____

APPLICANT: Jim Baedini
P.O. Box 245
MARIPOSA, CA. 95338

AGENT OR REPRESENTATIVE: Community Concepts
P.O. Box 249
MARIPOSA CA. 95338

Telephone No.'s of Applicant 916-2692 Agent 916-3412

ASSESSOR'S PARCEL NO. APN 12-120-03

TOTAL ACREAGE TO BE COVERED BY THE PD ZONE 17±

GENERAL LOCATION OF THE PROPERTY Highway 49 North - Part the P.A. 18 Substation
and The County Landfill site

TYPE OF PROJECT: Residential
 Commercial
 Industrial
 Mixed use of: Residential
 Commercial
 Industrial
 Other: _____

HOW MANY UNITS (Residential, Commercial, or Industrial) ARE PROPOSED? 10

IF A MIXTURE OF USES IS PROPOSED, PROVIDE THE NUMBER OF UNITS OF EACH TYPE:

N/A Residential N/A Commercial Industrial

IF RESIDENTIAL UNITS ARE PROPOSED, WHAT ARE THE SIZES (sq.ft.) OF THE VARIOUS UNITS?

No Applicable

WHAT IS THE ANTICIPATED SELLING OR RENTING PRICE OF THE UNITS? Varies - depending on

Size of parcel, and if improved.

COMMERCIAL & INDUSTRIAL

TOTAL SQUARE FOOTAGE OF BUILDINGS unimproved lots-

SQUARE FOOTAGE FOR MANUFACTURING " "

SQUARE FOOTAGE FOR RETAIL SALES " "

SQUARE FOOTAGE FOR STORAGE AREAS " "

ANTICIPATED HOURS OF OPERATION No limit

ESTIMATED NUMBER OF EMPLOYEES No Estimate Available

PERCENTAGE OF TOTAL PROJECT PROPOSED FOR:

BUILDING 25% of lot area

OTHER PAVING Roadways - No Estimate Available

PARKING Varies - See Plan

WALKWAYS AND OPEN AREAS Not Indicated

LANDSCAPING Varies - See Plan

NUMBER OF PARKING SPACES PROVIDED Provided According to standards of Plan

IF THERE IS ANY ADDITIONAL INFORMATION YOU FEEL IS PERTINENT TO THIS APPLICATION, PLEASE ATTACH ANY WRITTEN STATEMENTS. -See Attached

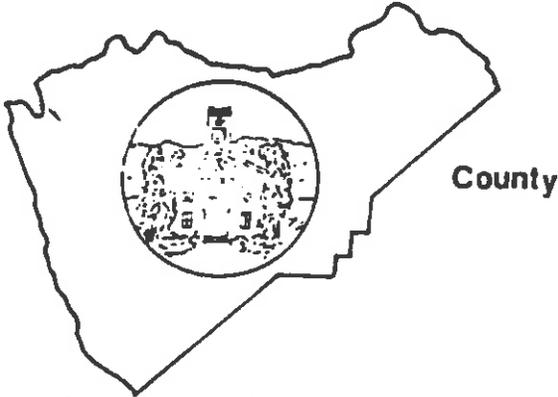
I DECLARE, UNDER PENALTY OF PERJURY, THAT I AM THE OWNER, ATTORNEY OF THE OWNER, OR PERSON WITH POWER OF ATTORNEY FROM THE OWNER, OF THE PROPERTY INVOLVED IN THIS APPLICATION, AND THE FOREGOING IS TRUE AND CORRECT.

EXECUTED AT Mariposa, CA, THIS 9 DAY OF April, 19 87.

[Signature]
SIGNATURE

Land Division Application

Mariposa



County

Planning Office

Date Received _____ Received by _____

File Number _____ Fee Paid \$ _____

Sanitarian Report Received _____ Date _____

Road Engineer Report Received _____ Date _____

Committee Action Date _____ Date _____

Approved	<input type="checkbox"/>
Denied	<input type="checkbox"/>
Referral	<input type="checkbox"/>

Planning Commission Action _____

APPLICANT'S NAME Jim Bordini TELEPHONE 966-2692

ADDRESS P.O. Box 245 MARIPOSA, CA. 95338

AGENT'S NAME Community Concepts TELEPHONE 966-3412

ADDRESS P.O. Box 249 MARIPOSA, CA, 95338

MORTGAGE DEED AND/OR BENEFICIARY INTEREST HOLDERS NAME _____

ADDRESS _____

PROPERTY ASSESSOR'S PARCEL NUMBER APN. 12-120-03

LEGAL DESCRIPTION (brief resume of section, portion of section, township & range. Attach copy of Deed) A Portion of The South half of The Southwest Quarter of Section 9, T. 5S, R. 8E. M.D. B & M. - Rancho Los Mariposas

LAND USE CLASSIFICATION Maintain General

PLANNING CLASSIFICATION Unclassified

PROPERTY LOCATION AND DRIVING INSTRUCTIONS Highway 99, 4 miles W. West of the County Road 711

PARCEL SERVED BY THE FOLLOWING ROADS

COUNTY Alameda

STATE Highway 99 North

EASEMENTS Unconnected

RECORDS OF SURVEY MAP NUMBER _____

PARCEL MAPS BOOK _____ PAGE _____ DATE RECORDED _____

DEEDS VOLUME _____ PAGE _____ DATE RECORDED _____

THE CONDITIONS OF EASEMENT SERVING THIS PARCEL IS DESCRIBED IN THE FOLLOWING MANNER:

WIDTH OF EASEMENT 60'

WIDTH OF ROADBED 22'

SURFACE OF ROADBED Paved

DISTANCE FROM COUNTY ROAD Not applicable - served by state Highway 219 rd.

DRAINAGE SYSTEMS IMPROVED IN THE FOLLOWING MANNER:

STREAMS _____ LOCATION _____

MAIN TRIBUTARIES _____ NAME _____

RAVINES _____

MINOR GULCHES _____

DEED RESTRICTIONS ON ROADS, ROAD IMPROVEMENT, ETC Above

WATER AVAILABILITY

ANY DEVELOPMENT OF WATER IN THE GENERAL AREA MAY BE USED TO GIVE APPROXIMATE EXPECTANCY FOR FURTHER DEVELOPMENT. This is privileged information and may be submitted on an attached sheet for this reason.

See Zoning Plan.

IF THIS PROPERTY WAS NOT USED FOR RESIDENTIAL PURPOSES, WHAT WOULD BE ITS HIGHEST AND BEST BEST USE IN YOUR OPINION. This statement may be supported by soil studies, availability or inavailability of water, brief history of use, description of ground cover, and topography.

See Zoning Plan

IF RECORDS HAVE BEEN KEPT REGARDING RAINFALL, Please indicate latest average rainfall over the past five years. None available on the site

DISTANCE FROM PARCEL TO ELEMENTARY SCHOOL SERVING THIS AREA 2 miles ±

NAME OF SCHOOL MARIPOSA Elem.

DISTANCE TO SERVICE CENTER WHERE CONVENIENCE SERVICES ARE AVAILABLE 2 miles ±

NAME OF AREA Town of MARIPOSA

YOUR REASON FOR SUBMITTING THIS PROPOSED LAND DIVISION IS Develop a 17 ± ACRE Tract of Land for Industrial and Heavy Commercial uses

TOTAL ACREAGE TO BE DIVIDED 17.14 ±

TOTAL NUMBER OF PARCEL PROPOSED 10

RESULTANT PARCEL SIZE PROPOSED (4 parcel or less)

PARCEL A _____ acres or square feet

PARCEL B _____ acres or square feet

PARCEL C _____ acres or square feet

PARCEL D _____ acres or square feet

or
REMAINDER _____ acres or square feet

RESULTANT PARCEL SIZE PROPOSED (5 parcels or more)

- PARCEL 1 1.4 acres or square feet
- PARCEL 2 1.1 acres or square feet
- PARCEL 3 1.3 acres or square feet
- PARCEL 4 1.9 acres or square feet
- PARCEL 5 2.1 acres or square feet
- PARCEL 6 1.6 acres or square feet
- PARCEL 7 1.5 acres or square feet
- PARCEL 8 2.0 acres or square feet
- PARCEL 9 2.6 acres or square feet
- PARCEL 10 1.7 acres or square feet
- PARCEL 11 _____ acres or square feet
- PARCEL 12 _____ acres or square feet
- PARCEL 13 _____ acres or square feet
- PARCEL 14 _____ acres or square feet
- PARCEL 15 _____ acres or square feet

Applicant will be notified within 30 days as to completeness of this application and information submitted with said application.

Within 45 days after notice of completeness of application decision will be made as to the need for an environmental document.

Responsible agencies must respond as to content of environmental document within 45 days of decision to prepare said document.

Lead Agency must complete EIR and approve or deny a development project within one year after the application is accepted as complete.

If a Negative Declaration is to be prepared, said document must be completed within 105 days after the application is accepted as complete.



Signature of Applicant or Agent

Date

APPENDIX "A"

MARIPOSA COUNTY
PRELIMINARY ENVIRONMENTAL ASSESSMENT FORM/
INITIAL STUDY

for departmental use only

Date Filed _____
Received by _____

File No. _____

Application for:

- Minor Subdivision
 Major Subdivision
 Use Permit
 Other (specify)

Planned Development Zone

FORM "A"

ENVIRONMENTAL CHECKLIST

(to be completed by project applicant)

TO THE APPLICANT: In compliance with the California Environmental Quality Act (CEQA), this brief form is intended to obtain preliminary environmental information on your proposed project.

You are requested to complete only these questions listed in Form "A". Form "B" to be completed by the County Staff or Officials of the County.

As the project applicant, the burden of proof for justification of the project is your responsibility. The information supplied by you on this form, and any support information supplied by you, will be used by the Environmental Review-Technical Advisory Committee (ER-TAC) and/or the Planning Commission in determining whether a Negative Declaration or an Environmental Impact Report will be prepared for your project. IT IS STRONGLY RECOMMENDED THAT YOU REVIEW THE INITIAL STUDY PORTIONS OF FORM "B" AND PROVIDE AS MUCH SUPPORT INFORMATION AS POSSIBLE TO INSURE AS TIMELY PROCESSING OF THIS APPLICATION AS POSSIBLE.

As provided by State law, you will be notified within 30 days from the submittal of this form, and accompanying application forms, as to the completeness of your application. Within 45 days from the determination that your application is complete, a decision will be made as to whether a Negative Declaration will be prepared or an Environmental Impact Report will be required.

I. GENERAL INFORMATION:

1. Name and address of project applicant: Jim Bardin
P.O. Box 245
MARIPOSA, CA. 95338
2. Agent (if any) Community Concepts
P.O. 249
MARIPOSA, CA. 95338
3. Type of Project: Minor Subdivision
 Use Permit Major Subdivision
 Other (Specify) P.O. Zone
4. List and describe any other related permits and other governmental agency approvals required for this project including other County, State and Federal agencies. CAL-TRANS - Highway 49 North Encroachment.
5. Existing Zoning and General Plan Land Use category. Unclassified - Mountain General Land Use

I. PROJECT DESCRIPTION:

1. Address or location of project Highway 49 N. Access from Myklebust Subdivision
2. Assessor's Parcel Number (APN) 12-120-03
3. Project description to include but not limited to site size, associated projects, anticipated incremental development or project phases, proposed scheduling, etc. The project application may contain this information and be incorporated by reference.

III. POSSIBLE ENVIRONMENTAL EFFECTS:

Are the following items applicable to the project with respect to having a possible environmental effect? A brief discussion of those items checked should be attached to this form including any mitigating measures deemed appropriate.

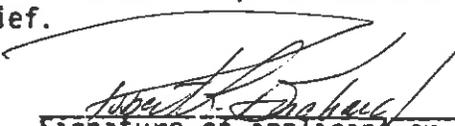
YES NO

- 1. Change in existing features of any lakes or hills, or substantial alteration of ground contours.
- 2. Change in scenic views or vistas from existing residential areas or public lands or roads.
- 3. Change in pattern, scale or character of general area of project.
- 4. Significant amounts of solid waste or litter.
- 5. Change in dust, ash, smoke, fumes or odors in vicinity.
- 6. Change in lake, stream or ground water quality or quantity, or alteration of existing drainage patterns, or result in increased erosion or runoff from project site.
- 7. Substantial change in existing noise or vibration levels in the vicinity.
- 8. Site on filled land or slope of 20 percent or more.
- 9. Use or disposal of potentially hazardous materials, such as toxic substances, flammables or explosives.
- 10. Substantial change in demand for public services (police, fire, water, sewage, etc.).
- 11. Substantially increased fossil fuel consumption (electricity, oil natural gas, etc.).
- 12. Relationship to a larger project or series of projects.
- 13. Change, demolish, remove or modify structures, sites or features which are of historical, archeological or architectural consequence.
- 14. Result in creation of a potential traffic hazard, or traffic congestion or substantially increase traffic loads on existing streets or roads beyond present design or improvement limits.

IV. CERTIFICATION:

I hereby certify that the statements and answers furnished present the data and information required for this environmental assessment to the best of my ability, and that the facts, statements and information presented are true and correct to the best of my knowledge and belief.

Date



Signature of applicant or authorized representative

Environmental Effects Supplemental Sheet

The following information is provided to supplement the preliminary environmental effects form attached to the Mariposa County CEQA initial study form.

- 1. Change in existing features of any lakes or hills, or substantial alteration of ground contours.*

The site will require extensive grading for ultimate development. Most of the grading and excavation will occur as property owners build on their unimproved parcels. Some grading and excavation will occur as new roads are constructed, water lines laid, and parcel accesses constructed. All grading and excavation will take place in accordance with the Mariposa County Grading Ordinance.
- 2. Change in scenic views or vistas from existing residential areas or public lands or roads.*

The project site is visible from Highway 49 N. and from portions of the Mykleoaks Subdivision, located north of the project site. The site has been brushed and the owners are contemplating planting some trees along the Highway 49 N. right-of-way line to provide a visual screen. The project Zoning Plan has some provisions for protecting the visual character of the site. Provisions of the Plan call for screening of outdoor storage areas and site landscaping
- 3. Change in pattern, scale or character of general area of project.*

The general area of the project site has a variety of uses including residential, industrial and agricultural. This project would expand the industrial/heavy commercial uses in the region. The project Zoning Plan contains provisions to regulate potential nuisances that may have an adverse effect on the adjacent residential uses.
- 4. Significant amounts of solid waste or litter.*

The project is expected to generate solid waste but not in quantities unusual for the county or region.
- 5. Change in dust, ash, smoke, fumes or odors in vicinity.*

The nature of industrial and heavy commercial uses tends to result in the creation of dust, ash, smoke or fumes to a larger extent than residential or light commercial uses. The project zoning plan sets standards for nuisances in the area that are intended to augment the air quality standards of the Mountain Counties Air Resources Control Board and the State of California.
- 6. Change in lake, stream or ground water quality or quantity, or alteration of existing drainage patterns, or result in increased erosion or runoff from project site.*

The project is not expected to result in any changes in stream or ground water quality due to the requirements of the State of California Water Quality Control Board for waste discharge and Mariposa County regulations of septic disposal systems. There will be a minor modification to the surface water drainage system on the project site but the modifications will not result in any changes in water courses off of the project site. With increased grading and excavation, and the overcovering of soils with improvements, erosion and increased runoff can be expected. The drainage system in the area runs along Highway 49 N. in a westerly direction. This drainage is adequate to handle the increased water flows without a danger of downstream

flooding. Erosion will be controlled through normal seeding and mulching of exposed cut and fill slopes.

7. *Substantial change in existing noise or vibration levels in the vicinity.*
The nature of the uses on the project site will result in an increase in the ambient noise level in the vicinity of the project site. The project Zoning Plan proposes standards for noise generation to minimize the impacts on adjacent properties. These standards are proposed in accordance with the noise standards of the Mariposa County General Plan.
8. *Site on filled land or slope of 20 percent or more.*
Portions of the project site has slopes in excess of 20%.
9. *Use or disposal of potentially hazardous materials, such as toxic substances, flammables or explosives.*
This is an area of increasing public concern. Present day standards classify many normal household items as hazardous substances. Normal manufacturing, fabrication and processing operations are bound to use some materials that could be classified as potentially hazardous, toxic, flammable or explosive. The project Zoning Plan contains extensive provisions for minimizing the adverse impacts that could result from this project being developed.
10. *Substantial change in demand for public services (police, fire, water, sewage, etc.)*
The nature of the project is not likely to result in any substantial change in the demand for public services within the project area.
11. *Substantially increased fossil fuel consumption (electricity, oil natural gas, etc.)*
The project is not likely to result in any substantial increase in fossil fuel consumption.
12. *Relationship to a larger project or series of projects.*
This project is not part of a larger development in the area. In a related matter however, the Mariposa County Board of Supervisors are contemplating a work program that would significantly extend the life of the county solid waste site which is east of the project site.
13. *Change, demolish, remove or modify structures, sites or features which are of historical, archeological or architectural consequence.*
There are no known structures, sites or features on the project site which are of any historical, archeological or architectural consequence
14. *Result in creation of a potential traffic hazard, or traffic congestion or substantially increase traffic loads on existing streets or roads beyond present design or improvement limits.*
The project site has excellent access from State Highway 49 North. The present encroachment was approved by CalTrans for this type of use and engineered for heavy truck use. A second access is proposed for the project site and will be designed and constructed in accordance with CalTrans specifications. The development of this project will not increase traffic on Highway 49 N. beyond its design capacity.

APPENDIX "G"

CERTIFIED AFFECTED PROPERTY OWNERS' LIST

AFFIDAVIT

STATE OF CALIFORNIA }
COUNTY OF MARIPOSA }

Pursuant to the Mariposa County Environmental Review Procedures, I,

_____, hereby certify that the list attached hereto contains the names and addresses of property owners as they appear on the most recent available assessment roll: (1) Within a minimum distance of six hundred (600) feet from the exterior boundaries of the property as described in the attached application; and (2) Adjacent to or utilizing, as primary access, any road, street or easement of record (as described on a recorded subdivision map) not included in the Mariposa County Road System or state or Federal highway system as described in the attached application.

I certify under penalty of perjury that the foregoing is true and correct.

(Signed) Robert R. Beckel

Date 4/9/87

APN	NAME	ADDRESS
<i>See Attached</i>		

(Attach additional sheets as necessary)



COMMUNITY

Redevelopment • Land Use Planning • Commercial Development • Economic Development • Special Districts-Lafco • Marketing Analysis

CONCEPTS

~~12-050-25, 30, 24, 31, 27~~

Mrs. Lillian I. Myklebust
5034 Mykleoaks Rd.
Mariposa Ca 95338

~~12-050-04, 05, 38~~

12-050-28

Mr. Sal Maccarone
4527 Mariposa Creek Cir.
Mariposa Ca 95338

12-050-15

Mr. Larry J. Capps
5660 Lillian Rd.
Mariposa Ca 95338

12-050-16

Mr. Norman H. Stingley
5651 Darrah Rd.
Mariposa Ca 95338

12-050-12

Mr. Lloyd Hovick
5060 Mykleoaks Rd.
Mariposa Ca 95338

~~12-050-01, 02, 03~~

Mr. Gary L. Van Meter
P.O. Box 1811
Mariposa Ca 95338

12-120-03

Mr. Robert B. Northway
Star Route
Catheys Valley Ca 95306

12-050-29

Mr. Stephen Eastwood
P.O. Box 1103
Mariposa Ca 95338

12-050-32

Mr. Earl L. Sellers
737 S. Third St.
Montebello Ca 90640

12-050-14

Mr. Curtis A. Hibpshman
5671 Bear Trap Dr.
Mariposa Ca 95338

12-050-13

Mr. Paul E. Hopper
5657 Bear Trap Dr.
Mariposa Ca 95338

12-050-11

Mr. Richard Badillo
20719 West Dan Ct.
Saugus Ca 91350

12-050-02, 03

Mr. Don Van Meter
P.O. Box 126
Mariposa Ca 95338

12-120-28

Western Media
P.O. Box 1170
San Rafael Ca 94915

12-050-26

Mr. Phillip E. Heusler
Brannen Ln.
Eliot Ma 03903

12-050-33

Mr. Oscar Guy Thomas
541 Rambler Rd.
Merced Ca 95348

12-050-17

Mr. Glenn C. Krause
5600 Lillian Ln
Mariposa Ca 95338

12-050-18

Mr. Wilson A. Rose
5050 Mykleoaks Rd.
Mariposa Ca 95338

12-050-34

Mr. Karl S. Pister
828 Solana Dr.
Lafayette Ca 94549

12-050-06

Mr. Gearld L. Odegaard
5606 Bear Trap Drive
Mariposa Ca 95338

FILED

Notice of Determination

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

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

JUN 19 2006
MARJORIE J. WASS
COUNTY CLERK
SCOTT A. RUNTZEL

Subject:

Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

FILE COPY

Land Division Application No. 2004-185 for Bill Hilton

Project Title	Megan Tennermann, Associate Planner	(209) 742-1219
State Clearinghouse Number	Lead Agency Contact Person	Telephone

Site is located on the south side of Highway 49 North, 400 feet south of the intersection of Highway 49 North and Gold Leaf Drive, directly south of the intersection of Highway 49 North and Mykleoaks Drive between Mariposa and Midpines (APN 012-050-063)

Project Location

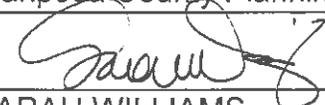
Project Description: Subdivision of a 9.74 acre parcel into four parcels (Parcel 1, 1.93 net acres; Parcel 2, 1.40 net acres; Parcel 3, 2.0 net acres; and Parcel 4, 2.0 net acres) and a Remainder of 1.33 net acres. Project is located in a Planned Industrial Development Zone.

This is to advise that the Mariposa County Planning Commission, as Lead Agency has approved the above described project on June 16, 2006 and has made the following determination regarding the above described project:

1. The project [will will not] have a significant effect on the environment.
2. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [were were not] made a condition of the approval of the project.
4. A statement of Overriding Considerations [was was not] adopted for this project.
5. Findings [were were not] made pursuant to the provisions of CEQA.

This is to certify that the Negative Declaration and record of project approval is available to the General Public at:

Mariposa County Planning Department, 5100 Bullion Street, Mariposa, CA 95338

	6/19/06	Deputy Director
SARAH WILLIAMS	Date	Title

FILED

JUN 19 2006

MARIPOSA COUNTY
NEGATIVE DECLARATION

(Pursuant to California Administrative Code, Section 15070) MARJORIE J. WASS

COUNTY CLERK

SCOTT A. RUNTZ

APPLICANT/APPLICATION: *Land Division Application No. 2004-185*
Bill Hilton, applicant

PROJECT DESCRIPTION: Subdivision of a 9.74 acre parcel into four parcels (Parcel 1, 1.93 net acres; Parcel 2, 1.40 net acres; Parcel 3, 2.0 net acres; and Parcel 4, 2.0 net acres) and a Remainder of 1.33 net acres. Project is located in a Planned Industrial Development Zone

No significant effect is based on the following findings:

See Findings, attached as Exhibit 1

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

- | | | | |
|-------------------------------------|---------------------|-------------------------------------|--------------------------|
| <input type="checkbox"/> | Building Division | <input checked="" type="checkbox"/> | County Health Department |
| <input checked="" type="checkbox"/> | Planning Commission | <input checked="" type="checkbox"/> | Public Works Department |

Other: *(list if applicable)*

No significant effect is based on additional conditions as follows:

See Conditions of Approval attached as Exhibit 2, and Mitigation Measures and Monitoring Program attached as Exhibit 3

Initial Study was prepared by Megan Tennermann, Associate Planner and is on file at Mariposa County Planning Department, 5100 Bullion Street, Mariposa, California 95338



SARAH WILLIAMS, Deputy Director
Mariposa Planning

6/19/06

Date

site is not covered by a specific area plan; it is consistent with the provisions of the Mariposa Industrial Park Plan (see attachment 1) as a non-residential subdivision with residential uses precluded.

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

EVIDENCE: The minimum parcel size proposed by the project is consistent with standards contained in the General Plan and the Zoning Ordinance. The land division's design complies with the County Subdivision Ordinance's maximum 4:1 length to width ratio for parcel configuration. The property is not covered by a specific plan.

6. **FINDING:** The design of the subdivision or type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

EVIDENCE: The project **will** not conflict with any public easement. The project has been designed in such a way that public easements are not affected. Affected utility companies have reviewed the proposed project and have not objected to the proposal.

<p>3. A cul-de-sac shall be constructed at the terminus of the on-site easement road, located at the intersection of Parcels 2, 3, and 4. The cul-de-sac shall be improved to meet county standards and shall meet these standards at the time of parcel map recordation. The required cul-de-sac improvements shall be completed in accordance with the Road Improvement and Circulation Policy and the County Improvement Standards and shall be inspected and approved by the County Engineer prior to recordation of the final map. If construction of a cul-de-sac is impractical due to the on-site terrain as determined by the County Engineer with the concurrence of CDF, the applicant may request permission to construct a hammerhead T turnaround. Prior to recordation of the parcel map, the County Surveyor shall confirm that this condition has been met.</p> <p>Section 11.4(B)(9) County Improvement Standards</p>	Public Works	
<p>4. An encroachment permit shall be obtained from the California Department of Transportation prior to any work being done on or adjacent to State Highway 49 North. All encroachment improvements shall be completed prior to recordation of the parcel map. A letter or other documentation from CalTrans shall be submitted to the County Surveyor verifying that this condition has been met.</p> <p>Chapter 11, County Improvement Standards</p>	Public Works	
<p>5. The applicant shall form a Property Owners' Association and Road Maintenance Association to provide for the maintenance of the onsite and offsite road improvements, including but not limited to the CalTrans encroachment, the required turnaround, drainage and erosion control devices, fuel modification, and upkeep of road surfaces. This Property Owners' Association shall also provide for the maintenance of the shared well and septic systems. The Maintenance Association provisions shall be developed by the applicant so those parcels served by the easement roads shall be responsible for road maintenance. These provisions shall be reviewed and approved by the County Engineer, the Planning Department, and the Health Department prior to recordation of the parcel map and shall:</p> <ol style="list-style-type: none"> a. Be in effect for a period of not less than thirty (30) years unless said maintenance is taken over by the County, a special district, or other governmental entity. b. Provide for annual maintenance and the immediate correction of emergency and hazard situations for the roads and for the water and wastewater systems. c. Include 100% of the parcels in the subdivision served by the access roads, including the Remainder. d. Provide a mechanism for the road maintenance association to collect delinquent payments or assessments for the maintenance described above by filing a lien on the delinquent properties with the power of sale. e. Provide a mechanism for new parcels to be added to the 	Public Works	

<p>10. All required signs shall be installed on metal, break-away type posts prior to map recordation. The design and placement of signs shall be approved by the County Engineer prior to installation. Public Works Recommendation</p>	Public Works	
<p>11. A stop sign shall be placed onsite at the intersection of the onsite easement road and Gold Leaf Drive. The stop sign shall be installed on metal breakaway type posts prior to map recordation. The design and placement of signs shall be approved by the County Engineer prior to installation. Public Works Recommendation</p>	Public Works	
<p>12. A road name sign for the onsite easement road shall be placed at the intersection of the onsite easement road and Gold Leaf Drive prior to map recordation. The design and specifications of the sign shall be in accordance with the Mariposa County Improvement Standards and shall be approved by the County Engineer prior to installation. §16.12.175, County Subdivision Ordinance</p>	Public Works	
<p>13. A Verification of Taxes Paid Form, acquired no sooner than 30 days prior to the recordation of the parcel map, shall be submitted to the County Surveyor. §16.12.395, Mariposa County Subdivision Code</p>	Public Works	

CONDITION OF APPROVAL / MARIPOSA PLANNING

<p>14. The onsite easement road shall be named in accordance with the criteria of County Resolution No. 92-541. A Road Name Request application for the onsite easement road shall be submitted to the Planning Department and be approved by the Board of Supervisors prior to recordation of the parcel map for this project. The name of the road within the project site shall be shown on the parcel map. County Resolution 92-541</p>	Mariposa Planning	
<p>15. Project approval is valid for a period of three years from June 16, 2006. This approval shall expire on June 16, 2009. §16.12.430, Mariposa County Subdivision Code</p>	Mariposa Planning	
<p>16. Subdivision Map Act Section 66434.2 applies to the recordation of the parcel map for this project.</p>	Mariposa Planning	
<p>17. Prior to recordation of the parcel map, all fees associated with the County's processing of the map and filing of associated documents shall be paid. The Department of Fish and Game filing fee (\$1,250) and County Clerk fee (\$25) should be paid within five (5) working days of the approval of the application, because if the fee is not paid within 5 working days, the environmental determination is not operative, vested, or final (Section 21089(b) Public Resources Code.). The County Clerk requires that one check be submitted to cover both of these fees, for a total of \$1,275.00, and that it be in the form of a cashiers check or money order payable to "Mariposa</p>	Mariposa Planning	

CONDITIONS OF APPROVAL/ HEALTH DEPARTMENT

21. Prior to recordation of the parcel map, the applicant shall prepare a plan to install an onsite sewage disposal system on Parcel 3 and/or Parcel 4 to serve as a community sewage disposal system for all the proposed parcels. The plan shall show all necessary easements for transport lines and disposal, and these easements shall be shown on the recorded parcel map. The plan shall be prepared and stamped by a person licensed to design onsite sewage disposal systems, and shall be reviewed and approved by the Health Department prior to recordation of the parcel map. This onsite sewage disposal system shall be installed on the approved parcel, and this installation shall be inspected and approved by the Health Department prior to recordation of the parcel map. The Health Department shall provide a letter to the County Surveyor stating that this condition has been met.

A statement shall be prepared by the applicant, to be recorded concurrently with the parcel map, to be made appurtenant to Parcels 1, 2, 3, 4, and the Remainder, and to be referenced on the parcel map, which shall read as follows:

"A community sewage disposal system has been designed and installed to serve Parcels 1, 2, 3, 4, and the Remainder as shown on the Parcel Map for Hilton, recorded in Book ___ of Parcel Maps at Page ___, Mariposa County Official Records. All necessary easements for transport lines and disposal of sewage are shown on the Parcel Map. No stand-alone septic systems shall be installed on any parcel referenced above unless previously reviewed and approved by the Health Department. Connection to the community sewage disposal system shall be the responsibility of the developer."

Health Department Recommendation

County
Health

22. Prior to recordation of the parcel map, the applicant shall provide evidence to the Mariposa County Health Department that a well or wells of proven capacity have been installed on the project site. Proven capacity shall be a well or wells capable of producing one thousand gallons per lot per twelve-hour day for each lot. Proof of production shall be an approved pump test of the well or wells certified by a licensed engineer, hydrogeologist, well driller with a C-57 license, or licensed well pump contractor. The minimum pump testing duration of the well or wells on each lot shall be the following: 3 hours for a well producing 10 gallons per minute (gpm) or more; 24 hours for a well producing 5 gpm to less than 10 gpm; and 3 days for a well producing less than 5 gpm. Additionally, a report of a completed well shall include a general mineral, physical and inorganic analysis as required under California Code of Regulations, Title 22, for non-transient, non-community water systems, and an analysis for coliform bacteria. All necessary easements for water transport shall be

County
Health

<p>inspection of the completed road improvements by the Public Works Department, the Public Works inspector shall approve the removal of the fencing. Mitigation Measure 4.e.2</p>		
REMAINDER CONDITIONS		
<p>27. If the remainder is not shown on the recorded parcel map, then the applicant or agent shall provide the County Surveyor with a legal description (typed, stamped and signed legal descriptions along with lot closure computations) of the remainder. This shall occur prior to recordation of the certificate of compliance for the remainder.</p>	<p>Mariposa Planning</p>	
RECOMMENDATION ON OFFERS OF DEDICATION		
<p>Staff recommends that the Planning Commission recommend that the Public Works Director accept the offer of dedication for public utilities, but reject the offer for public maintenance of the onsite easement road. Mariposa Planning Recommendation</p>	<p>Public Works</p>	

County of Mariposa

ENVIRONMENTAL REVIEW / INITIAL STUDY for Land Division Application No. 2005-185

A. PROJECT APPLICATION INFORMATION:

Project Title: Land Division Application No. 2004-185

Project Location: 4966 Gold Leaf Road, on the south side of Highway 49 North at the intersection of Highway 49 North and Gold Leaf Road, immediately across from the intersection of Highway 49 North and Mykleoaks Road; Parcel A of Land Division Application No. 1369, recorded on February 28, 1992 in Book 25 of Parcel Maps at Page 36, Mariposa County Official Records; a portion of the southwest quarter of the southwest quarter of Section 9, Rancho Las Mariposas Projection, Township 5 South, Range 18 East, M.D.B.&M.
Assessor Parcel Number 012-050-050

Project Description: The minor subdivision of a 9.74 acre parcel into four parcels (Parcel 1, 1.93 net acres; Parcel 2, 1.40 net acres; Parcel 3, 2.0 net acres; and Parcel 4, 2.0 net acres) and a Remainder of 1.33 net acres. Project is located in a Planned Development Zone; site is intended for industrial use only. Any structures constructed on the project site will use shared wells and septic systems to be developed on the project site.

Project Applicant: Bill and Carolyn Hilton
5649 B Darrah Road, Mariposa CA 95338
(209) 966-2703

Project Agent: Barry Brouillette
P.O. Box 1876, Mariposa CA 95338
(209) 742-7106

Lead Agency: County of Mariposa Planning Department

*General Plan/
Zoning:* Mountain General/Planned Development Zone

Land Use: Project site is currently undeveloped.

Created: May 30, 2006

Contact Person: Megan Tennermann, Associate Planner
County of Mariposa Planning Department
5100 Bullion Street, Mariposa CA 95338
Phone: (209) 742-1219 *Fax:* (209) 742-5024
Email: mtennermann@mariposacounty.org

Additional All of the documents cited and relied upon in the preparation of this Initial

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Documents Study are available at the Mariposa County Planning Department and are hereby incorporated into the record for this Initial Study.

B. PROJECT IMPACT TO ENVIRONMENTAL FACTORS:

(blank): no impact

L: Less than Significant Impact

M: Less than Significant Impact with Mitigation

PS: Potentially Significant

<u>L</u> Aesthetics	_____ Agriculture Resources	<u>L</u> Air Quality
<u>M</u> Biological Resources	_____ Cultural Resources	<u>L</u> Geology/Soils
<u>L</u> Hazards & Hazardous Mat.	<u>L</u> Hydrology/Water Quality	_____ Land Use/Planning
_____ Mineral Resources	<u>L</u> Noise	_____ Population/Housing
_____ Public Services	_____ Recreation	<u>L</u> Transportation/Traffic
<u>L</u> Utilities/Service Systems	<u>M</u> Mandatory Findings of Significance	

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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: Megan Tennermann Date: June 6, 2006

Title: Associate Planner Representing: County of Mariposa

Signature: 

Section B

ENVIRONMENTAL CHECKLIST

EVALUATION OF ENVIRONMENTAL IMPACTS

I. 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) Substantially degrade the existing visual character or quality of the site and its surroundings?			√	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			√	

1.a Scenic Vista A significant impact would be one that has a substantially adverse effect on a scenic vista. There are no ordinances, policies, resolutions or other documents that identify designated scenic vistas. Based on the site visit, no extraordinary views exist. *Thus, there are no impacts.*

1.b Scenic Resources A significant impact would be one that substantially damages scenic resources such as trees, rock outcroppings and historic buildings within a state highway. The California Department of Transportation (Caltrans) administers the California Scenic Highway Program. The project is not on or visible from a scenic highway. *Thus, the project will have no impact.*

1.c Visual Character A significant impact would be one that substantially degrades the existing visible character or quality of the site and its surroundings. The land division does not directly impact site aesthetics, but an indirect impact will be the industrial buildings developed on the site. The county has not established building design or landscape requirements for industrial development in this area; therefore, the threshold of impact is set quite high. *Thus, the project will have a less than significant 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. The land division itself will not have a direct impact on light or glare; an indirect impact may be caused by the industrial buildings developed on the proposed parcels after the parcel map for this project is recorded. Industrial development does typically generate a greater amount of light than residential development; however, the

industrial development will be occupied during business hours, which are daylight hours, and will not have a substantial adverse effect on nighttime views. The existing industrial development in the immediate vicinity of the project site does not generate a substantial amount of light during day or night hours; the project proposes that any development on the project site as a result of this land division will be in keeping with the development of the surrounding parcels. *Thus, the project will have a less than significant impact.*

II. 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) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?				√

2.a Convert Farmland to Non-Agricultural Use A significant impact would be one that converts farmland designated as “prime,” “unique” or “farmland of statewide importance” to nonagricultural uses. This property is not designated as “Prime”, “Unique”, or “Farmland of Statewide Importance” (Mariposa County Important Farmland Map, 2001). *Thus, there is no impact.*

2.b Conflict with Agricultural Zoning or Use A significant impact would be one that conflicts with agricultural zoning or a Williamson Act contract. The land is currently designated Mountain General, which has a 40 acre minimum parcel size, with a Planned Industrial Development on the project site, allowing denser development. The land has never been designated as Agricultural Exclusive (Mariposa County Zoning Map) and does not have the future potential to be designated as agricultural land. The project site is not subject to a Williamson Act contract (Mariposa County Agricultural Preserve Map). *The project will have no impact.*

2.c Convert Farmland to Non-Agricultural Uses A significant impact would occur if the project involves other changes in the existing environment, which due to their location or nature, could result in conversion of farmland to non-agricultural uses. The project site has slopes from 10% to 30%, the soil onsite is not designated as prime suitability for agricultural use, and it is not located near lands designated as “prime,” “unique,” or “farmland of statewide importance.” Additionally, Mariposa County has a

“Right to Agricultural Activity” ordinance that protects existing agricultural operations from nuisance complaints; if there are agricultural operations in the area unknown to the County, this ordinance will protect those operations. *Thus, there is no impact.*

III. 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) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			√	
c) 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 (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			√	
d) Expose sensitive receptors to substantial pollutant concentrations?			√	
e) Create objectionable odors affecting a substantial number of people?			√	

3.a and b Air Quality Plan and Standards A significant impact would be one that conflicts with or obstructs implementation of the applicable air quality plan, and, a significant impact would be one that violates any air quality standard or contributes substantially to an existing or projected air quality violation. 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.

The project site is located within the Mountain Counties Air Basin (MCAB) and is under the jurisdiction of the Mountain Counties Air Pollution Control District (MCAPCD). The MCAPCD has not yet adopted recommended significance thresholds for air quality review of development projects subject to CEQA within District boundaries.

Mariposa County is classified as either attainment or unclassified status for all federal air quality standards. Therefore, the Mariposa County Air Pollution Control District has not prepared an attainment plan. *Thus, the project will have no impact on an adopted air quality plan.*

The closest Air Pollution Control District that has published criteria for thresholds of significance is the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD). The SJVUAPCD is a much larger district, located to the south and west of the County. The SJVUAPCD has the most protective standards for assessing the significance of impacts of a project of any of the 3 air pollution control districts that adjoin the MCAPCD. For comparison purposes, the Guide for Assessing and Mitigating Air Quality Impacts for the SJVUAPCD was used to look at this project and it was determined that based on the size of the project site, the project would not have a significant impact, if it were located within the jurisdiction of the more restrictive SJVUAPCD. *Therefore, the project will have a less than significant impact.*

3.c Net increase of any criteria pollutant 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 (including releasing emission which exceed quantitative thresholds for ozone precursors). Neither project development nor project operation will lead to a permanent cumulative increase in either Ozone or PM₁₀. No cumulative impact will occur ("Guide for Assessing and Mitigating Air Quality Impacts", SJVAPCD). Construction activities associated with the proposed project could result in the temporary or periodic generation of odors. Grading activities during the construction and maintenance of roadways will temporarily increase the level of dust (Particulate Matter 10) in the air. The bedrock on the project site is serpentine, which contains asbestos. The Mariposa County Air Pollution Control District has established an asbestos air toxic control measure, and the applicant will be required to demonstrate that the requirements are being met prior to issuance of a grading permit for the onsite easement road. Additionally, as required by Title 15 of the Mariposa County Code, a grading plan will be required prior to the start of building construction. Enforcement of the Mariposa County grading standards by the Resource Conservation District during their inspections will ensure that construction activities for this project will not create substantial amounts of dust or deteriorate ambient air quality. *Thus, the project will have a less than significant impact.*

3.d Sensitive Receptors 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 site is approximately 2.5 miles from the nearest school, and approximately one mile from John C. Fremont Hospital. The project itself will not have any direct impact on sensitive receptors; future industrial development onsite may have the potential to impact these sensitive receptors. However, based on the distance between the project site and land uses consistent with sensitive receptors, Planning anticipates a *less-than-significant impact on sensitive receptors.*

3.e Objectionable Odors A significant impact would be one that creates objectionable odors affecting a substantial number of people. This project will not

create objectionable odors. The type of development associated with the project may create objectionable odors. According to Table 4-2 of the SJVUAPCD's "Guide for Assessing Air Quality Impacts," many of the uses permitted in the planned industrial development are similar to or included in the chart as types of facilities that trigger screening for potential odor sources; no facilities included as permitted uses according to the Planned Development Zone covering this property should be located within one mile of any source of sensitive receptors. The SJVUAPCD is far more restrictive than Mariposa County in assessing air quality impacts; regardless, there are no land uses consistent with sensitive receptors within one mile of the project site. *Thus, the project will have no impact.*

IV. 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 Game 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 Game or US Fish and Wildlife Service?			√	
c) Have a substantial adverse effect on 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?				√
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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 review of the California Department of Fish and Game's Natural Diversity Data Base and Areas of Special Biological Importance Map for Mariposa County resulted in no appearance of such species on or adjacent to the project site. No evidence has been provided to the County by the DFG or others to indicate that there are special, rare, threatened, or endangered animal or plant species located on the project site that would be adversely affected by approval of this project. *Thus, the project will have no impact.*

4.b Riparian or Other Sensitive Natural Community A significant impact would be one that adversely affects riparian habitat or another sensitive natural community. There are two minor seasonal drainages on the project site; neither of these drainages is designated as a blue-line stream. Staff did not observe riparian habitat within these drainages. At the time of staff's site visit (early June 2006), there was no water present in either drainage. Based on staff observation of the project site, *the project will have a less-than-significant impact on natural communities.*

4.c Wetlands A significant impact would be one that adversely affects wetlands. The project site contains only two seasonal streams and ponds; there are no federally-designated wetlands onsite. *Thus, the project will have no impact.*

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, or with migration corridors. The project will not interfere with the movement of migratory fish or wildlife species and will not impact migration corridors. *Thus, the project will have no impact.*

4.e Ordinances and Policies Protecting Biological Resources A significant impact would be one that impairs and/or damages existing biological resources or conflicts with local ordinances and policies protecting locally biological resources. Vegetation on the project site consists of grassland with scattered oak woodland. The project will involve the construction of roads, and if and when dwellings are constructed, building pads and driveways. These activities have the potential to impact oak trees and woodlands, which are now to be specifically considered during the CEQA process as proscribed by Senate Bill 1334, titled 'Oak Woodlands Conservation: Environmental Quality'.¹ The following mitigation measures will reduce this impact to a less than significant level:

¹ Signed by Governor Schwarzenegger on Sept. 24, 2004.

MITIGATION MEASURE 4.e.1.

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

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

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

MITIGATION MEASURE 4.e.2.

For all trees not identified for removal for road construction or other purposes as detailed in Mitigation Measure 4.e.1, there shall be no grading, leveling, soil compaction from the use of heavy equipment, or digging within the root zone of oaks identified in the Oak Tree Identification document. During construction of onsite easement roads, all such oaks located in the area of construction activity but not to be removed shall have erected around the root zone—which is 1 ½ times the drip line of the oak tree crown or 15' whichever is greater—environmentally sensitive area fencing. This fencing shall remain installed, visible, and in good condition until all road construction,

grading activities and other soil disturbance activities are completed. At the time of inspection of the completed road improvements by the Public Works Department, the Public Works inspector shall approve the removal of the fencing.

Monitoring for Mitigation Measure 4.e.2: After Planning has reviewed and approved the Oak Tree Plan as described in the Mitigation Monitoring program for Measure 4.e.1, the applicant shall install the environmentally sensitive area fencing as required by this Mitigation Measure. During all necessary inspections of the required road improvements, the Public Works Department shall confirm that this fencing is installed, visible, and in good condition. If the applicant chooses to retain all oak trees onsite, Planning shall write to the County Surveyor waiving this requirement.

4.f Conservation Plans A significant impact would be one that conflicts with any conservation plan. The Project site is not part of any adopted Habitat Conservation Plan (HCP), Natural Community Conservation Plan (NCCP), or other local habitat conservation plan. *Thus, the project will not impact an adopted conservation plan.*

V. 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 as defined in §15064.5?				√
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?				√
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				√
d) Disturb any human remains, including those interred outside of formal cemeteries?				√

5.a Historic Resources A significant impact would be one that would cause a substantial adverse change in the significance of an historic resource. According to the California Inventory of Historic Resources, the Mariposa County Historic Resources Survey, and the Mariposa County List of Historical or Architectural Buildings and Structures, Mariposa County has approximately 1,200 archaeological and/or historical resource sites, 5 of which have been listed on the National Register of Historic Places. The project site is not included on any of these lists. There is no evidence that historic resources are present on the project site. *Thus, the project will have no impact.*

5.b Archaeological Resource A significant impact would be one that would cause a substantial adverse change in the significance of an archeological resource. There is

no evidence to suggest that archaeological resources are present on the project site. *Therefore, the project will have no impact.*

5.c Paleontological Resource or Geologic Feature A significant impact would be one that would destroy a unique paleontological resource or site or a unique geologic feature. There is no evidence to suggest that features of these types are present on the project site; staff did not observe any unique geologic features during site visits. *Therefore, the project will have no impact.*

5.d Human Remains A significant impact would be one that disturbs human remains. Mariposa County has policies in place to deal with the discovery of historic or prehistoric remains during construction. *Based on the existing policies and procedures in place, the project will have no impact.*

VI. GEOLOGY AND SOILS -- Would the project: a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	Potentially significant impact	Less than significant with mitigation incorporation	Less than significant impact	No impact
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 risks to life or property?			√	

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?			√	
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6.a Faults, Ground Shaking, Ground Failure and Landslides

A significant impact would be one that exposes people or structures to loss, injury or death.

Earthquake Faults: The Seismic Hazards Act of 1990 directs the California Department of Conservation to map the state's most prominent earthquake hazard area in California. These areas are called "Special Study Zone" and appear on a set of maps named the Alquist-Priolo Earthquake Fault Zone maps. Mariposa County is not 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. However, the potential for earthquakes and related hazards does exist in Mariposa County. A Five County Seismic Safety Study completed in 1974 by the Counties of Fresno, Kings, Madera, Mariposa, and Tulare found that fault zones do exist within and around Mariposa County and contribute to earthquake activity experienced within the County. The two fault zones within Mariposa making up the Foothill Fault System include the Bear Mountain Zone and the Melones Zone (Earthquake Fault Map, Figure 15-4, Technical Background Report – Mariposa County proposed General Plan, 2002), both of which are 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.

The project site is located just outside the Mariposa Town Planning Area, in the midst of the Melones Fault Zone. However, Mariposa falls within the lowest earthquake hazard zone of 10-20% probability – the lowest risk category for seismic activity. No earthquake with a magnitude above 5 has occurred in Mariposa County since 1800. If earthquakes do occur, records show they occur at around magnitude 2.7 or less. Table 15-2 in the Technical Background Report referenced above indicates that earthquakes at this magnitude are felt by very few people and no damage will occur. According to the Mariposa County Seismic Hazard Map (Exhibit 8-B, General Plan), the project site lies within Seismic Zone 2, which is considered to have a low risk of earthquakes. *Thus, the project will have less than significant impact.*

Ground Shaking: The County requires that the standards of the Uniform Building Code Seismic Zone 3 be met, which should be sufficient to limit the effects of ground shaking on the project site, should such activity ever occur. *Thus, the project will have less than significant impact.*

Ground Failure: Soil on site is Henneke extremely rocky clay loam. According to the US Department of Agriculture Soil Survey for Mariposa County, this soil is excessively

drained, permeability is slow, and is underlain at a depth of 10" to 20" by serpentine bedrock. These factors make the probability of liquefaction hazard very low. *Thus, the project will have a less than significant impact.*

Landslides: The State's Seismic Hazard Mapping Program has not yet mapped the County to determine the probability of landslide occurrence as a result of earthquake activity. According to a Seismic/Geologic Hazard and Microzone Map showing Mariposa County, the project site is not located in an area with any landslide risk. 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. Most of the soils found in the County have minimal amounts of clay and low shrink-swell potential and do not result in landslide hazards. According to the Technical Background Report for the proposed Mariposa County General Plan, there are two areas within the County that have a high risk of sliding; the project site is located in one of the two designated areas, along Highway 49, and has the soil profile associated with a high risk of sliding. However, since earthquake activity greater than magnitude five (5) has not occurred within Mariposa County, the occurrence of landslides as a result of earthquakes is unlikely.

Many other factors can play a role in the development of landslides. 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 is generally of slopes between 10 and 30 percent. However, grading activity on the site will be done in a manner that takes these potential landslide risks into consideration, and the proposed building sites are located off of and away from the steeper slopes of the project area. A grading plan in accordance with Mariposa County's Grading Ordinance will be required. *Thus, the project will have less than significant impact.*

6.b Soil Erosion A significant impact would be one that results in substantial soil erosion or loss of topsoil. Soil on site is Henneke extremely rocky clay loam. According to US Department of Agriculture Soil Survey for Mariposa County, this soil has a high hazard of erosion. Project development will require some grading for roads, driveways and homes. Site grading could substantially increase erosion. However, the standards of the County Grading Ordinance and standard requirement for re-vegetation will ensure *a less than significant impact* on the site.

6.c Unstable Soil A significant impact would be one where soil becomes unstable as a result of the project. Soil on site is Henneke extremely rocky clay loam. According to the US Department of Agriculture Soil Survey for Mariposa County, this soil is rated low for shrink-swell potential. The standards of the County Grading Ordinance, the Uniform Building Code, and the Road Improvement and Circulation Policy will ensure *a less than significant impact* on the site.

6.d Expansive Soils A significant impact would occur if the project is placed on expansive soils and creates substantial risk to life or property. As stated in 6.c. the soil on site has a low shrink-swell potential. Construction of homes will require compliance



with the Uniform Building Code standards for the construction of foundations or other structures that could otherwise be damaged as a result of expansive soils. *Thus, the project will have less than significant impact.*

6.e Septic Systems A significant impact would occur if septic tanks or systems are utilized in the project and the soil is unable to support their use. The Mariposa County Health Department has conducted a preliminary review of the project site and has concluded that based on the percolation testing conducted for this project, and the industrial use of the project site, they are able to support the use of a shared septic system for the property. The percolation and soils analysis testing conducted for this project noted that either Parcel 3 or Parcel 4 would be able to support a shared septic system for the property. *Based on the existing regulations already in place, the project will have less than significant impact.*

VII. 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) For a project within the vicinity of a private airstrip, would the project				√

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result in a safety hazard for people residing or working in the project area?				
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				√
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?			√	

7.a Transport of Hazardous Materials 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 of such material. The land division application does not involve the transport, use or disposal of hazardous material. The industrial development of this property will be subject to a Commercial Industrial Manufacturing Plan approved by the Board of Supervisors at the time of property development; however, that is not part of the project proposal at this time. The transportation of hazardous materials along highways and rail lines is subject to State and Federal regulations. The County of Mariposa has no jurisdiction over such transport. *Thus, the project will have no impact.*

7.b Upset and Accident A significant impact would be one that creates 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. The project as submitted at this time is for a land division and does not involve the use or disposal of hazardous material; therefore, it is very unlikely that a foreseeable upset or accidental event may occur involving the release of hazardous materials. *Thus, the project will have no impact.*

7.c School Proximity A significant impact would be one that emit hazardous emission or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. The project as submitted at this time will not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or wastes. Additionally, there are no existing or proposed schools within one-quarter mile of the project site. *Thus, the project will have no impact.*

7.d Exposure from Existing Contaminated Sites A significant impact would be one that is located on a listed contamination site and expose the public or the environment to the hazard. The project site is not listed on any Mariposa County Health Department list of hazardous sites. *Thus, there will be no impact.*

7.e & f 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 within two miles of a public airport. The nearest public airport is the Mariposa Airport which is approximately one mile away. No private airstrips are known to exist within the area of the project site. However, the project as proposed does not pose a safety hazard for people working or living in the vicinity of the airport. *Thus, there will be no impact.*

7.g Emergency Response Plans A significant impact would be one that impairs the implementation of or interferes with an emergency response or evacuation plan. The County has prepared a draft evacuation plan; development and construction of this project will not adversely impact such plans. *Thus, there will be no impact.*

7.h Risk of Wildland Fires A significant impact would be one that exposes people or structures to a significant risk of wildland fires. The fuel loading in this area is moderate to heavy, consisting of grassland and transitioning into mixed oak woodland. The state adopted 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. The project is subject to these regulations and will be designed in conformance with them. *Thus, the project will have less than significant impact.*

VIII. HYDROLOGY AND WATER QUALITY	Potentially significant impact	Less than significant with mitigation incorporation	Less than significant impact	No impact
Would the project:				
a) Violate any water quality standards or waste discharge requirements?			√	
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			√	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?			√	
d) Substantially alter the existing drainage pattern of the site or area,			√	

including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?				
e) 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?			√	
f) Otherwise substantially degrade water quality?			√	
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?			√	
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?			√	
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				√
j) Inundation by seiche, tsunami, or mudflow?				√

8.a Water Quality Standards A significant impact would occur if the project degraded water quality in the area. Erosion control plans and compliance with the County Grading Ordinance and County Improvement Standards will minimize siltation of the area's watercourses. The amount of chemicals generated from the day-to-day activities of a light industrial development will be addressed at the time an application is submitted for use of this property; this project, being minor subdivision of land, will not generate any chemical usage. *Thus, the project will have less than significant impact.*

8.b Changes in Groundwater Resources A significant impact would be one that substantially depletes groundwater quantities or interferes with groundwater recharge. With the potential of industrial development on each lot, the shared well system(s) could potentially decrease the quantity of ground water; however, the Mariposa County General Plan certifies five acres as the area needed to recharge a residential well and the property served by the shared well system or systems is nearly ten acres in size. The applicant will be required to provide proof of potable water sufficient to serve all parcels prior to recordation of the parcel map for this project. *Based on these requirements, the project will have less than significant impact.*

8.c and d Changes in Drainage Patterns A significant impact would be one that substantially alters drainage and surface flows in a manner that results in substantial erosion, siltation or flooding. As stated in the staff report for this project, the subject property contains two seasonal drainages. Any road work or site construction is required by building codes and road improvement standards to either maintain the existing courses or to provide for an alternate route. Required grading and re-vegetation standards will ensure that any such change will not result in substantial erosion, siltation or flooding. Additionally, the applicant will be required by a condition of project approval to contact the Department of Fish and Game to determine whether a Streambed Alteration Permit is required for this project; this condition will ensure that any change to existing waterways will be investigated for any potential impact. *Thus, the project will have a less than significant impact.*

8.e Stormwater A significant impact would result if the project causes the capacity of storm drainage facilities to be exceeded or the project provides additional sources of polluted runoff. This project will not have a significant effect on absorption rates, drainage patterns, or the rate and amount of runoff. The project will not have a significant effect due to the comparatively short duration of potential construction, the small amount of grading, and the limited net loss of permeable area. The standards of the County Grading Ordinance will ensure drainage is maintained and exposed soils are resown. *Thus, the project will have a less than significant impact.*

8.f Water Quality A significant impact would occur if actions and/or activities associated with the project would degrade water quality through discharge of pollutants, inappropriate clean-up of materials, or negligence towards enforcement of water quality regulations. The project is a minor subdivision of land that is liable to result in the construction of several industrial buildings. These buildings will use one or more shared onsite well and septic systems, with easements for transport and maintenance in place. Septic systems will have to meet County Environmental Health standards for septic tank capacity and proper percolation. The project is likely to result in construction associated with industrial use, but proposals for industrial use have not been made at this time. When a proposal is made for industrial development on the subject property, that proposal will be evaluated for environmental impacts by the Planning Department and the Board of Supervisors through the Commercial Industrial Manufacturing Plan process. *Thus, the project will have a less than significant impact.*

8.g and h Housing and Structures in 100-year Flood Hazard Area A significant impact would occur if project structures impede or redirect floodwaters. The project site is located in an area outside the 500-year floodplain (FIRM Map No. 06043C0245 B, effective date September 5, 1990). The project area does not contain any areas normally associated with flood waters. *Thus, the project will have a less than significant impact.*

8.i Dam Failure A significant impact would occur if people or structures were exposed to a significant risk of loss, injury or death. The project site is not located within a Dam Inundation area. *Thus, there are no impacts.*

8.i Seiche, Tsunami and Mud Flow Hazards A significant impact would occur from inundation by seiche, tsunami or mudflow. The County of Mariposa is not subject to inundation by tsunami or mudflow according to the General Plan Safety Element. "Seiche" is the overtopping of a dam caused by an earthquake. See the discussion on dam failure above. *Thus, there are no impacts.*

IX. 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) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				√
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				√

9.a Physically Divide an Existing Community A significant impact would occur if the project physically divided an established community. The project does not propose any structures, land use designations or other features that would physically divide an established community. *Thus, there are no impacts.*

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

A significant impact would occur if the project conflicted with an applicable general plan policy or regulation of an agency with jurisdiction over the project. The project's land use classification and zoning is Mountain General. The uses resulting from the project (residential structures) are permitted according to Planned Development Zone Application No. 87-1, approved by the Mariposa County Board of Supervisors on October 13, 1987 by County Ordinance No. 696. Adopted county ordinances, regulations and standards are consistent with the General Plan policies, which are in turn applicable to this project. Therefore, the project will be constructed and operated in conformance with the General Plan. *Thus, the project will have no impact.*

9.c Conservation Plans A significant impact would occur if project conflicted with an applicable conservation plan. The project site is not part of any adopted Habitat Conservation Plan (HCP), Natural Community Conservation Plan (NCCP), or other local habitat conservation plan. The project will not conflict with any applicable habitat conservation plan or natural community conservation plan. *Thus no impact will occur.*

X. 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?				√

10.a Mineral Resources in the Project Area 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. The land division does not change the availability of mineral resources. *Thus, the project will have no impact.*

10.b Mineral Resources Summary A significant impact would occur if the project resulted in the loss of availability of a locally important mineral resource recovery site. There is no evidence to indicate the presence of mineral resources on the project site. *Thus, the project will have no impact.*

XI. NOISE Would the project result in:	Potentially significant impact	Less than significant with mitigation incorporation	Less than significant impact	No impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			√	
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				√
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			√	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			√	

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 expose people residing or working in the project area to excessive noise levels?			√	
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?			√	

11.a Noise Policies, Ordinances and Standards A significant impact would occur if the project resulted in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. The Mariposa County General Plan notes that the rural lifestyle found in Mariposa County results in a noise environment that is well below 55 dba CNEL standard. Given this rural lifestyle, it is quite common to hear chainsaws, barking dogs, tractors, and such similar sounds which are part of the maintenance of that lifestyle. While these sounds may momentarily detract from the quiet side of the rural lifestyle, they are not significant enough to warrant concern. The project site is located in the Bardini Industrial Park, an area of noise-generating uses. This project proposes a subdivision of industrial land, which will have the eventual result of light industrial development of this property, which will generate noise compatible with the existing noise-generating uses in the area. *Thus, the project will have a less than significant impact.*

11.b Ground-Borne Noise Impacts A significant impact would result if the project exposed persons to or generated excessive ground-borne vibration or ground-borne noise levels. The project will not generate ground-borne noise or vibration. *Thus, the project will have no impact.*

11.c Permanent Increase in Ambient Noise A significant impact would result if a substantial permanent increase in ambient noise levels occurs in the project vicinity above levels without the project. The increase in population to the area is likely to increase noise levels with the eventual industrial development of the property; however, the property is not proposed to be developed at this time, and the surrounding existing industrial development creates a low level of ambient noise. The increase in noise from a minor subdivision of this kind is *less than significant.*

11.d Temporary or Periodic Increase in Ambient Noise A significant impact would result if a substantial temporary or periodic increase in ambient noise levels occurs in the project vicinity above levels without the project. Short-term noise impacts

associated with construction activity will be higher than the existing ambient noise levels currently experienced in the project area, but not to a level that will have an impact on human health. *Thus, the project will have a less than significant impact.*

11.e and f Exposure to Airport Noise A significant impact would occur if there is exposure to excessive noise from public or private airports. The Mariposa-Yosemite Airport is about 1.5 miles from the project site; airport noise is not a significant concern. The site is located in a planned industrial development; residential uses are not permitted on this land except in conjunction with an industrial use, and therefore the airport noise exposure on the project site will be limited to normal business hours. Noise generated by the airport has not been measured at excessive levels. Heliports do exist within the County. The heliport at the J.C. Fremont Hospital is used infrequently and will not create a noise hazard for this site. Private airstrips are not known to exist in the area. *Thus, there will be a less-than-significant impact.*

XII. POPULATION AND HOUSING	Potentially significant impact	Less than significant with mitigation incorporation	Less than significant impact	No impact
Would the project:				
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 housing, necessitating the construction of replacement housing elsewhere?				√
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				√

12.a Population Growth Inducement A significant impact would result if the project induces substantial population growth in an area. The addition of new parcels in a planned industrial development will not directly increase population in the area, and the impact of the four parcels and the Remainder created as a result of this project will be developed with industrial uses resulting in minimal if any population growth. *Thus, the project will have no impact.*

12.b Displacement of Housing A significant impact would result if the project displaced substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere. The project site is vacant at this time; no housing units will be displaced. *Thus, the project will have no impact.*

12.c Displacement of People A significant impact would result if the project displaced substantial numbers of people, necessitating the construction of replacement

housing elsewhere. The project site is currently undeveloped; no people will be displaced. *Thus, the project will have no impact.*

XIII. PUBLIC SERVICES	Potentially significant impact	Less than significant with mitigation incorporation	Less than significant impact	No impact
a) 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?				√

13.a and b Fire and Police Services Improvement Impacts The proposed project would have a significant environmental impact if public emergency service facilities need to be constructed in order to maintain adequate service levels for the proposed project, and if the construction of those facilities would create a substantial adverse physical impact. Existing facilities will provide service to the project; no new facilities are needed. *Thus, the project will have no impact.*

13.c School Improvement Impacts The proposed project would have a significant environmental impact if public school facilities need to be constructed in order to maintain adequate service levels for the proposed project, and if the construction of those facilities would create a substantial adverse physical impact. The industrial construction associated with the project will not require service from school facilities. *Thus, the project will have no impact.*

13.d Park Improvement Impacts The proposed project would have a significant environmental impact if public park facilities need to be constructed in order to maintain adequate service levels for the proposed project, and if the construction of those facilities would create a substantial adverse physical impact. Existing facilities will provide service to the project; no new facilities are needed. *Thus, the project will have no impact.*

13.e Road Improvement Impacts The proposed project would have a significant environmental impact if public road facilities need to be constructed in order to maintain adequate service levels for the proposed project, and if the construction of those facilities would create a substantial adverse physical impact. As stated in the discussion under item 15.b of this Initial Study, no public road construction is required pursuant to County standards, with the exception of encroachment improvements from Gold Leaf Drive to Highway 49 North. Any improvements to public roads that may be required for this project will be required to comply with all applicable County and State regulations for construction and grading, which regulations are designed to minimize environmental impacts. *Thus, the project will have no impact.*

13.e Water and Sewer Public Facilities The proposed project would have a significant environmental impact if construction of water and sewer public facilities that are needed to maintain adequate service levels for the proposed project create a substantial adverse physical impact. Public sewer and water facilities are not necessary for this type of project; the applicant has proposed shared onsite wells and septic systems to serve this project, but those shared well and septic systems will not be serving enough parcels for those systems to be considered public. *Thus, the project will have no impact.*

XIV. 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 recreational facilities such that substantial deterioration of the facility would occur or 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?				√

14.a Use of Existing Recreational Facilities A significant impact would result if the project increased the use of existing recreational facilities and the increased use of those facilities as a result of the project caused or accelerated the substantial physical deterioration of those facilities. The project will result in negligible use of existing facilities. *Thus, the project will have less than significant impact.*

14.b Construction or Expansion of Recreational Facilities A significant impact would result if the project included construction or expansion of recreational facilities that might adversely affect the physical environment. The project does not include recreational facilities. *Thus, the project will have no impact.*

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XV. TRANSPORTATION/TRAFFIC Would the project:	Potentially significant impact	Less than significant with mitigation incorporation	Less than significant impact	No impact
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?			√	
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?				√
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				√
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				√
e) Result in inadequate emergency access?			√	
f) Result in inadequate parking capacity?				√
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				√

15.a Substantial Increase in Traffic Levels A significant impact would result if the project caused an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system. The proposed subdivision project does not in and of itself generate traffic, but the indirect result of industrial development on the created parcels does typically result in a traffic increase. The surrounding parcels are currently developed at this time with industrial uses, and Gold Leaf Drive has served the development adequately. Any proposal for development of the parcels will be required to submit a Commercial Industrial Manufacturing Plan application; at the time this is submitted, the Planning Department and the Board of Supervisors will evaluate the environmental impact of that project proposal. *The impact associated with this project on local and adjacent roads will be less than significant.*

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15.b Change in Level of Service Rating A significant impact would result if the project caused level of service ratings (individually or cumulatively) to be exceeded. Highway 49 North is classified as a State Highway by the 2001 Mariposa County Regional Transportation Plan. It is adequate to serve the existing and proposed traffic based on the Mariposa County Road Improvement and Circulation Policy. According to the 2001 Mariposa County RTP, the Level of Service on Highway 49 North in this area is A, with an existing ADT level of 750, and LOS in Year 2010 will remain A, with a predicted ADT level of 2120. The Mariposa County Road Improvement and Circulation Policy states that a "general industrial" use can be expected to generate ten trips per 1000 square feet of developed lot area. Assuming that an industrial development will cover 25% of the area of each proposed lot (which assumes a much larger-than-typical development), the proposed project will generate a maximum of 952 trips per day, which is already figured into the LOS increase for the area. The addition of these trips to the existing State Highway is negligible. A Traffic Impact Study was prepared for this project by Pinnacle Traffic Engineering; this study concluded that the LOS for the highway would not increase as a result of this project. *Therefore, the project will have no impact on Level of Service ratings.*

15.c Change in Air Traffic Patterns A significant impact would result if the project resulted in substantial safety risks due to changes in air traffic patterns. The project does not change air traffic patterns. The project is located within the Airport Overlay, and will be required to comply with the standards of the Airport Overlay at such time as a development application is submitted for an industrial project on the subject property. *Thus, the project as submitted will have no impact.*

15.d Creation of Hazards (by Design or Use) A significant impact would result if the project produced hazards to safety from design features or incompatible uses. The uses are compatible with those in the area. The proposed road that will serve the proposed parcels will be designed and constructed in accordance with the Mariposa County Improvement Standards and Road Improvement and Circulation Policy. *Thus, the project will have no impact.*

15.e Impacts to Emergency Access A significant impact would result if the project resulted in inadequate emergency access. The project must comply with the California State Fire Safe Regulations, Public Resources Code 4290, and all applicable County codes, policies, and regulations. *Thus, the project will have a less than significant impact.*

15.f Impacts to Parking A significant impact would result if the project results in inadequate parking. At the time that a development application is submitted for one of the project parcels, the evaluation of the Commercial Industrial Manufacturing Plan will include an analysis of parking needs. The land division application itself does not require parking. *Thus, the project will have no impact.*

15.g Impacts to Alternative Transportation A significant impact would result if the project conflicted with alternative transportation polices, plans or programs. The project

will not interfere with alternative transportation policies. *Thus the project will have no impact.*

XVI. UTILITIES AND SERVICE SYSTEMS Would the project:	Potentially significant impact	Less than significant with mitigation incorporation	Less than significant impact	No impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				√
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			√	
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				√
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				√
e) 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?				√
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			√	
g) Comply with federal, state, and local statutes and regulations related to solid waste?				√

16.a Water Treatment Requirements A significant impact would result if the project caused water treatment requirements to be exceeded. The project proposes the use of one or more shared septic systems for the four lots and Remainder proposed by this project, confined to the subject property. No water treatment requirements will be exceeded. *Thus, the project will have no impact.*

16.b Impacts of Construction of Water and Wastewater Facilities

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A significant impact would result if the project significantly adversely affected the environment due to construction or expansion of water or wastewater treatment facilities. This project proposes the use of one or more shared water and septic systems, which will need to be constructed; these facilities will be similar in size and nature to private onsite wells and septic systems. The regulations of the Mariposa County Health Department regarding the design and installation of the shared water and septic systems will ensure that the construction of those facilities will not adversely affect the environment to a significant degree. *Thus, the project will have a less-than significant impact.*

16.c Impacts of Construction of Storm-drainage Facilities A significant impact would result if the project adversely affected the environment due to construction of new stormwater drainage facilities or expansion of existing facilities. The construction of new facilities as part of the roadway is considered a minor element of the required road improvements and is necessary to minimize erosion. *Thus, the project will have no impact.*

16.d Adequacy of Water Supply A significant impact would result if the project demands a water supply that is not available from existing entitlements and resources. The source of the water demanded by the project is not one that is entitled or committed for other uses. The project proposes one or more shared wells to provide water to all proposed parcels. The requirements of the Mariposa County Health Department regarding the installation of wells will ensure that the shared well provides adequate water supply to all proposed parcels. *Thus, the project will have no impact.*

16.e Adequacy of Wastewater Treatment Plant A significant impact would occur if the project results in a determination by the wastewater treatment provider that it has inadequate capacity to serve the project. Private shared septic systems are proposed for the project. *Thus, the project will have no impact.*

16.f Adequacy of Solid Waste Facilities (Landfill Capacity) A significant impact would result if the project creates a disposal need that cannot be accommodated by the landfill. The improvement plans for the county landfill are based on the anticipated growth of the county. *Thus, the project will have a less than significant impact.*

16.g Compliance with Solid Waste Regulations A significant impact would result if the project is unable to comply with federal, state and local statutes and regulations related to solid waste. The waste streams from residential homes are required to comply with federal, state and local statutes and regulations related to solid waste. *Thus, the project will have no impact.*

Section C

MANDATORY FINDINGS OF SIGNIFICANCE

Finding:	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, 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impact Discussion & Conclusions:

The impacts related to the project are individually limited. Many will have short-term implications and are typical to new construction. Complying with existing regulations and ordinances provides a means of reducing the impacts to a level of non-significance. Construction of roads and building pads associated with the project does not have the potential to significantly degrade the quality of environment.

A mitigation measure has been included for this project to minimize or eliminate any potential impact to oak trees present on the project site. The impacts of this project are limited, but the potential exists for these resources to be adversely affected, and therefore the mitigation measure has been included for protection of these resources and habitats.

No evidence has been presented that would suggest that the project has the potential to achieve short-term goals to the disadvantage of long-term environmental goals. There are no significant impacts related to the project that are expected to cause substantial adverse effects on human beings either directly or indirectly. 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.

(66)

STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION - RE: MARIPOSA BIOMASS PROJECT

WHEREAS, the County of Mariposa Planning Commission is the Lead Agency for “Mariposa Biomass Project” (hereinafter, “Project,”) a proposed up to 2.4 MW Bioenergy Facility with support buildings, parking, access and a woodchip storage yard; and

WHEREAS, the County of Mariposa Planning Commission, in 2017, prepared an Initial Study, Conditional Use Permit No. 2017-117 (hereinafter “CUP”), and Mitigated Negative Declaration (hereinafter “MND”) for the Project to evaluate the potential environmental impacts of implementing the Project, copies of which are on file with the California Energy Commission; and

WHEREAS, the County of Mariposa Planning Commission, on February 23, 2018, approved and adopted the CUP and MND for the Project, thereby imposing mitigation measures upon the project; and

WHEREAS, the County of Mariposa Planning Commission adopted findings required by the California Environmental Quality Act (“CEQA”), and approved the Project, by Adoption of Resolution No. 2018-006, a copy of which Resolution is on file with the Energy Commission; and

WHEREAS, the Energy Commission is considering proposed Agreement EPC-17-021, “Mariposa Biomass Project” (hereafter, “EPC-17-021”), a grant to design and construct the up to 2.4 Megawatt forest waste biomass-to-energy conversion facility; and

Prior to acting on the Agreement EPC-17-021, the Energy Commission desires to make certain findings pursuant to the CEQA Guidelines, title 14, section 15096;

NOW THEREFORE, BE IT RESOLVED:

1. The Energy Commission has reviewed the information contained in the Initial Study, Conditional Use Permit, and Mitigated Negative Declaration, that is relevant to its approval of EPC-17-021, and has reviewed the CEQA findings contained in the County of Mariposa Planning Commission’s Initial Study, Conditional Use Permit, and Mitigated Negative Declaration, which are adopted to the extent that they are relevant to the Energy Commission’s decision to approve EPC-17-021.
2. The County of Mariposa Planning Commission has already adopted the mitigation measures recommended in the Conditional Use Permit and Mitigated Negative Declaration and, has authority to implement the mitigation measures or to seek any required approvals for the mitigation measures, and the Energy Commission has no direct authority to implement the mitigation measures.

3. The Energy Commission has reviewed and considered the Initial Study, Conditional Use Permit, and Mitigated Negative Declaration, and finds that these documents are adequate for its use as the decision-making body for its consideration of EPC-17-021.
4. Approval of EPC-17-021 is within the scope of the Mariposa Biomass Project approved by County of Mariposa Planning Commission, and the activities evaluated in the Initial Study, Conditional Use Permit and Mitigated Negative Declaration.
5. Since the Mitigated Negative Declaration was finalized, and adopted on February 23, 2018, there have been no substantial project changes and no substantial changes in the project circumstances that would require major revisions to the Mitigated Negative Declaration, due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusion set forth in the Mitigated Negative Declaration.
6. The Energy Commission has not identified any feasible alternative or additional feasible mitigation measures within its power that would substantially lessen or avoid any significant effect the Mariposa Biomass Project would have on the environment.

THEREFORE BE IT RESOLVED, that the Energy Commission finds, on the basis of the entire record before it, that the mitigation measures incorporated in the Conditional Use Permit and Mitigated Negative Declaration will prevent EPC-17-021 from having any significant environmental impacts; and

BE IT FURTHER RESOLVED, that the Energy Commission approves Agreement EPC-17-021 with Mariposa County Resource Conservation District, for \$5,000,000; and

BE IT FURTHER RESOLVED, that this document authorizes the Executive Director or his or her designee to execute the same on behalf of the Energy Commission.

CERTIFICATION

The undersigned Secretariat to the Commission does hereby certify that the foregoing is a full, true, and correct copy of a RESOLUTION duly and regularly adopted at a meeting of the California Energy Commission held on March 21, 2018.

AYE: [*List Commissioners*]

NAY: [*List Commissioners*]

ABSENT: [*List Commissioners*]

ABSTAIN: [*List Commissioners*]

Cody Goldthrite,
Secretariat