

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

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution

No. 2008-023

A resolution conditionally approving Land Division Application 2008-073, Wes and Jamie Faulkner, applicants. Assessor Parcel Number 008-200-003.

WHEREAS an application for Land Division Application 2008-073 was received on April 4, 2008 from Wes and Jamie Faulkner for a property located at 7403 Highway 49 North, also known as Assessor Parcel Number 008-200-003; and

WHEREAS Land Division Application No. 2008-073 proposes the division of a 17.940 acre parcel into two parcels, Lot 1 and Lot 2; and

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

WHEREAS a duly noticed public hearing was scheduled for July 11, 2008; and

WHEREAS the noticed public hearing for July 11, 2008 was cancelled; and

WHEREAS the public hearing was duly re-noticed and re-scheduled for July 25, 2005; and

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

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

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

WHEREAS the Planning Commission reviewed road naming issues and was concerned that an access easement on the northern parcel boundary for the above described project was not named and served several properties and at least four single family homes; and

WHEREAS the Planning Commission seeing no authority to require that the easement road be named, encourages the property owners of the parcels served by the easement road to name the road and obtain new addresses to make it easier to locate for future safety and emergency response purposes; and

WHEREAS the Planning Commission hereby directs staff to send a courtesy notice to affected property owners informing them of the concern, sending them a road naming packet and encouraging them to name the road.

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

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby approve Land Division Application 2008-073.

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

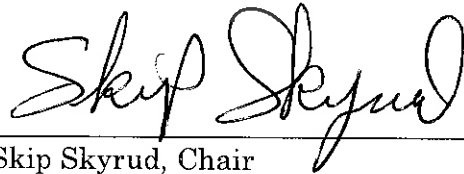
ON MOTION BY Commissioner Rudzik, seconded by Commissioner Francisco, this resolution is duly passed and adopted this 25th day of July 2008 by the following vote:

AYES: Francisco, Ross, Rudzik, Skyrud, and DeSantis

NOES: None

EXCUSED: None

ABSTAIN: None



Skip Skyrud, Chair
Mariposa County Planning Commission

Attest:



Eileen Collins, Planning Technician
for the Secretary to the
Mariposa County Planning Commission

EXHIBIT 1
PROJECT FINDINGS
FOR
Land Division Application No. 2008-073

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

EVIDENCE: Based on site inspection, existing issued development permits and improvements, and the proposed division of the existing parcel into two lots that are over the minimum parcel size required by the Town Planning Area zone, the site is physically suited for low-density homes and appurtenant improvements such as septic systems. The proposed project is located within the Town Planning Area zone and the Bear Valley Community Planning Study Area. The subdivision density is designed in accordance with the Town Planning Area zone and the Planning Study Area land use.

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

EVIDENCE: The Initial Study prepared for the project found that based on the approved project description, it would have a less than significant effect on the environment with mitigation. The land is currently and will continue to be used primarily for residential purposes. The project may have an adverse impact on wildlife resources and potential habitat areas, and is therefore subject to the California Department of Fish and Game filing fees for a mitigated negative declaration as required by AB 3158 and Senate Bill 1535 and County Clerk fees.

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

EVIDENCE: This land division and its subsequent use for low-density residential purposes are not likely to cause serious health problems. Any future additional residential uses will be required to comply with all Building Code regulations and Health Department standards for the proper installation of wells and sewage

disposal systems. The proper location and implementation of these improvements will ensure that serious health problems will not occur on the site. The existing and all future residential uses will be required to comply with the State Fire Safe Standards as mandated by California Public Resource Code Sections 4290 and 4291, which will eliminate any potential health and safety issues related to fire protection.

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

EVIDENCE: The land division is the initial step in the process to help accomplish the General Plan's Housing Element overall goal to *"Provide opportunities for an adequate supply of sound, affordable housing units for ownership and for rent in a safe and satisfying environment for the present and future residents of the County."* The land division satisfies the following Housing Element Objectives, including: *"Provide Adequate Sites and Services"*. There is no specific plan governing this property.

Based upon the response from Cal Trans, Highway 49 North will continue to provide adequate access.

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

EVIDENCE: The minimum parcel size, minimum density, and building intensity proposed by the project is consistent with standards contained in the Planning Study Area land use of the General Plan and the Town Planning Area zone of 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 project site is not in an area governed by any special, specific, community or area Plan at this time.

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

EVIDENCE: The project will not conflict with any public easement. Affected utility companies have reviewed the proposed project and have not objected to the proposal.

No changes to the easement on the northerly side of the project site will result from this project.

EXHIBIT 2
CONDITIONS OF APPROVAL
FOR
Land Division Application 2008-073

Project Name: Wes and Jamie Faulkner

File Number: LDA No. 2008-073

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

Sign-Off Checklist for Conditions of Approval		
CONDITIONS OF APPROVAL / PUBLIC WORKS DEPARTMENT	<i>MONITORING DEPARTMENT</i>	<i>VERIFIED IMPLEMENTED</i>
<p>1. The easement road from Highway 49 North to Lot 2 shall be made 60 foot wide and non-exclusive. The easement shall be designated for access for the use and benefit of the subject property. (Additional easement width may be required to encompass the required road improvements, including turnouts and associated cuts and fills, in accordance with the County Improvement Standards and Road Improvement and Circulation Policy.) Provisions for a public utility easement along the access easement shall be made; the public utility easement shall be offered for dedication to the County of Mariposa and shall specifically state on the parcel map that the dedication is for public utility purposes only. Prior to map recordation, the location and width of the easements shall be approved by the County Engineer.</p> <p>[SECTION 16.12.160.B, COUNTY SUBDIVISION ORDINANCE; SECTION II.A.3, ROAD IMPROVEMENT AND CIRCULATION POLICY.]</p>	PUBLIC WORKS	
	PUBLIC	

<p>2. The easement from Highway 49 North to the cul-de-sac on Lot 2 shall be improved to a Rural Class I SRA "A" standard and shall meet these standards at the time of parcel map filing. The required road improvements shall be completed in accordance with the Road Improvement and Circulation Policy and the County Improvement Standards and shall be approved by the County Engineer at the time of the filing of the parcel map. The County Engineer may require engineered improvement plans prepared by a Registered Civil Engineer for any improvements required as a condition of approval for this project. If engineered improvement plans are required, the plans shall be approved by the County Engineer prior to commencement of construction work on the required road improvements.</p> <p>[SECTION 16.12.170, COUNTY SUBDIVISION ORDINANCE; CHART A AND SECTION II.D.2.A, ROAD IMPROVEMENT AND CIRCULATION POLICY.]</p>	<p>WORKS</p>	
<p>3. A cul-de-sac shall be constructed on-site at the terminus of the on-site easement road. The cul-de-sac shall be improved to meet county standards and shall meet this standard at the time of parcel map filing. The required cul-de-sac improvements shall be completed in accordance with the Road Improvement and Circulation Policy and the County Improvement Standards and shall be inspected and approved by the County Engineer prior to filing of the parcel map. If construction of a cul-de-sac is impractical due to the on-site terrain as determined by the County Engineer with the concurrence of Cal Fire, the applicant may request permission to construct a hammerhead T turnaround. Prior to filing of the map, the County Surveyor shall confirm that this condition has been met.</p> <p>Public Works Recommendation</p>	<p>PUBLIC WORKS</p>	
<p>4. An encroachment permit shall be obtained from Cal Trans prior to any work being done on or adjacent to Highway 49 North. All encroachment improvements shall be completed and evidence that the permit has been finalized shall be submitted to the County Surveyor prior to parcel map filing. If no encroachment improvements are required within the State Highway Right-of-Way to comply with the Rural Class I SRA "A" standard, this condition may be waived by the County Roads inspector.</p>	<p>PUBLIC WORKS/CAL TRANS</p>	

<p>Planning and Public Works Recommendation</p>		
<p>5. Prior to the commencement of any road improvements, road construction or other road building or maintenance activities required as a condition of approval for this project and prior to issuance of any encroachment permits for the required improvements, a consultation meeting with the Public Works Department, the applicant, a Caltrans representative (if highway improvements are required), the contractor, and the agent shall occur. This meeting shall be conducted on-site. This consultation meeting shall be setup by the applicant and/or agent. Any and all costs associated with the consultation shall be the responsibility of the applicant. The County Engineer shall verify that this condition has been met prior to issuance of any road improvement or encroachment permit required for this project and prior to the scheduling of any on-site inspection of road improvements.</p>	<p>PUBLIC WORKS</p>	
<p>Public Works Recommendation</p>		
<p>6. All grading and road improvement work required as a condition of approval of this project shall comply with the Mariposa County Improvement Standards and all requirements contained therein. The County Engineer may require engineered improvement plans prepared by a Registered Civil Engineer for any improvement required as a condition of approval for this project. If engineered improvement plans are required, the plan shall be approved by the County Engineer <u>prior</u> to commencement of construction work on the required road improvements.</p>	<p>PUBLIC WORKS</p>	
<p>Public Works Recommendation</p>		
<p>7. Immediately upon completion of the required road and encroachment improvements, the applicant shall re-vegetate all exposed soils and install other erosion control as recommended by the Resource Conservation District or other agency designated by the Public Works Department. The applicant shall also contact RCD or other agency designated by the Public Works Department for an inspection. Inspection fees shall be the responsibility of the applicant. A letter shall be submitted to the County Surveyor by RCD or other agency designated by the Public Works Department stating that the re-vegetation and erosion control provisions have been completed.</p>	<p>PUBLIC WORKS</p>	
<p>Public Works Recommendation</p>		

<p>8. 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, unless the signs are located in the Highway 49 South right-of-way, then they are to be installed according to CalTrans standards. [ROAD IMPROVEMENT AND CIRCULATION POLICY SECTION III.A., COUNTY IMPROVEMENT STANDARDS SECTION 11.5(D)]</p>	<p>PUBLIC WORKS</p>	
<p>9. A road maintenance association shall be formed for the maintenance of the easement road. Maintenance shall include, but not be limited to, drainage and erosion control devices, fuel modification, and upkeep of road surfaces. The Road Maintenance Association provisions shall be developed by the applicant so those parcels served by the easement roads shall be responsible for road maintenance. These provisions shall be reviewed and approved by the County Engineer prior to the filing of the map and shall:</p> <ul style="list-style-type: none"> a. Be in effect for the life of the project unless said maintenance is taken over by the County, a special district, or other governmental entity. b. Provide for annual maintenance and the immediate correction of emergency and hazard situations. c. Include 100% of the parcels in the subdivision served by the access road. 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. e. Provide a mechanism for new parcels to be added to the association. 	<p>PUBLIC WORKS</p>	
<p>10. A Verification of Taxes Paid Form, acquired no sooner than 30-days prior to the filing of the parcel map, shall be submitted to the County Surveyor. [COUNTY SUBDIVISION ORDINANCE SECTION 16.12.395]</p>	<p>PUBLIC WORKS</p>	
<p>CONDITION OF APPROVAL / MARIPOSA PLANNING</p>		
<p>11. Project approval is valid for a period of three years from July 25, 2008. This approval shall expire on July 25, 2011.</p>	<p>MARIPOSA PLANNING</p>	

<p>[MARIPOSA COUNTY SUBDIVISION CODE SECTION 16.12.430]</p>		
<p>12. The Property Owner shall indemnify, protect, defend, and hold harmless the County, and any agency or instrumentality thereof, and officers, officials, employees, or agents thereof, from any and all claims, actions, suits, proceedings, or judgments against the County, or any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof to attack, set aside, void, or annul, any approval of the County, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the County, concerning the project and the approvals granted herein. Actions concerning the project and approvals granted shall include, but not be limited to, the environmental determination made pursuant to the California Environmental Quality Act (CEQA). Furthermore, Owner shall indemnify, protect, defend, and hold harmless the County, or any agency or instrumentality thereof, against any and all claims, actions, suits, proceedings, or judgments against another governmental entity in which Owner's project is subject to that other governmental entity's approval and a condition of such approval is that the County indemnify and defend such governmental entity. County shall promptly notify the Owner of any claim, action, or proceeding. County will further cooperate in the defense of the action.</p> <p>An agreement on a form approved by Mariposa County Counsel shall be executed within twenty (20) working days of the date of project action. Non-compliance with this condition may result in revocation of project approval by the county.</p> <p>[COUNTY ORDINANCE NO. 1017]</p>	<p>MARIPOSA PLANNING</p>	
<p>13. Prior to filing 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 (\$1,876.75 as of 1/1/08) and the County Clerk fee (\$50.00 as of 1/1/08) shall be paid by the applicant within five (5) working days of the approval of the application (by Friday, August 1, 2008), because</p>	<p>MARIPOSA PLANNING</p>	

<p>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, August 1, 2008 the environmental determination is not operative, vested, or final (Section 21089(b) Public Resources Code).</p> <p>The County Clerk requires that one check be submitted to cover both of these fees, for a total of \$1,926.75 (effective 1/1/08), and that it be in the form of a cashiers check or money order payable to "Mariposa County;" The County Clerk will not accept a personal check for these fees. Submit the check to Mariposa Planning to file this fee and other required documents with the County Clerk.</p> <p>Note, the filing fees are adjusted annually, effective January 1st of each year, pursuant to Fish and Game Code.</p> <p>§16.12.390, Mariposa County Subdivision Code; 711.4(c) of the State Fish and Game code</p>		
<p>14. Subdivision Map Act Section 66434.2 applies to the recordation of the parcel map for this project.</p> <p>Planning Department Recommendation</p>	<p>MARIPOSA PLANNING</p>	
CONDITION OF APPROVAL/ HEALTH DEPARTMENT		
<p>15. Prior to recordation of the parcel map, the applicant shall prove to the satisfaction of the Health Department that Lot 1 and Lot 2 have a supply of potable water meeting requirements for quantity and quality. Proof is as follows:</p> <ul style="list-style-type: none"> a. an approved connection from an approved public water provider; or b. a proposed connection to a shared well which has been pre-approved by the Health Department; or c. a well, for which appropriate permits and inspections have been approved by the Health Department, has been drilled on the subject property and developed with appropriate casings, and for which improvements may or may not include permanently installed pump equipment; or d. a demonstration that there can be a source of water capable of producing a sustained potable water supply with storage of at least 1,000 gallons per twelve (12) hour day per dwelling unit , which will be contained within any combination of (a) a potable water storage tank, (b) a static water supply in the 	<p>HEALTH DEPARTMENT</p>	

<p>well; or</p> <p>e. other satisfactory proof and wells drilled and tested prior to sale to demonstrate the quantities described in "Section d." above.</p> <p>Additionally, if the property is to be served in the future by a well, the applicant shall record a disclosure statement concurrently with the map and referenced on the map stating the following:</p> <p>"Water supplies for residential lands are derived from private wells on Lot 1 and Lot 2 as shown on the Parcel Map for _____, filed in Book ____ of Parcel Maps at Page ____, Mariposa County Records. Mariposa County groundwater supplies are found in fractures in the bedrock. The costs associated with drilling and developing a private well is highly variable because it is unknown how much or if any additional water can be found on these parcels. There is no guarantee additional potable water supply of adequate quality or quantity can be found or sustained on any parcel shown on this map."</p> <p>(Mariposa County General Plan, Section 5.3.02.E(4))</p>		
<p>16. The following condition shall apply if the existing residential structure located on Lot 2 will continue to receive water supply from the well located on Lot 1.</p> <p>Based upon the existence of a habitable residential structure on Lot 2, which is connected to a well on Lot 1 for domestic water, one of the following conditions shall be met prior to filing of the parcel map:</p> <p>a. A maintenance agreement shall be prepared and filed concurrently with the parcel map and referenced on the Parcel Map. The maintenance agreement shall provide for maintenance of the existing shared well and well improvements, and shall include Lot 1 and Lot 2. The maintenance agreement shall be developed by the applicant so Lots 1 and 2 are responsible for maintenance of the well and well improvements. The provisions shall be reviewed and approved by the Planning Director and the Health Department prior to recordation of the parcel map and shall:</p> <ul style="list-style-type: none"> • Be in effect for the life of the project or until a well is developed on Lot 2 for the residential improvements on Lot 2. • Provide for annual maintenance and the immediate 	<p>MARIPOSA PLANNING/ HEALTH DEPARTMENT /PUBLIC WORKS</p>	

<p>correction of emergency and hazard situations.</p> <ul style="list-style-type: none"> • Include both Lots 1 and 2. • Provide a mechanism to collect delinquent payments or assessments for the maintenance described above by filing a lien on the delinquent property. <p>In addition, an easement shall be shown on the Parcel Map on Lot 1 for the well on Lot 1 and the water line serving Lot 2. The easement shall be made wide enough for vehicular access for maintenance purposes, and shall be designated for the use and benefit of the subject property. The location and width of the easement shall be approved by the County Engineer.</p> <p>The maintenance agreement and easement may include termination provisions, should a well which is sufficient for domestic water use be drilled on Lot 2 at any time in the future.</p> <p style="text-align: center;">-OR-</p> <p>b. Prior to filing of the parcel map, a well which is sufficient for domestic water use as determined by the Mariposa County Health Department, shall be drilled on Lot 2 and connected to the existing residential structure on Lot 2. All connections from Lot 2 to the well on Lot 1 shall be permanently abandoned. A letter from the Mariposa County Health Department shall be submitted to the County Surveyor indicating that these provisions have been met.</p> <p>[Planning Department Recommendation]</p>		
<p style="text-align: center;">CONDITION OF APPROVAL/</p> <p>CALIFORNIA DEPARTMENT OF FOREST AND FIRE PROTECTION</p>	<p style="text-align: center;"><i>MONITORING DEPARTMENT</i></p>	<p style="text-align: center;"><i>VERIFIED IMPLEMENTED</i></p>

<p>17. Prior to filing of the parcel map, all applicable State Fire Safe Regulations shall be met. A letter shall be submitted to the County Surveyor by CDF stating this condition has been met.</p> <p>(California Public Resource Code)</p>	<p>CAL FIRE</p>	
<p style="text-align: center;">CEQA MITIGATION MEASURES</p>	<p style="text-align: center;"><i>MONITORING DEPARTMENT</i></p>	<p style="text-align: center;"><i>VERIFIED IMPLEMENTED</i></p>
<p>18. Cultural resources shall not be altered, disturbed, removed, or destroyed. If any cultural resources or archeological materials are uncovered during ground disturbance or construction activities associated with compliance with the conditions of approval for this project, Mariposa County authorities and/or a qualified archeologist shall be notified immediately by the applicant or his representative and construction work shall be stopped in this area until mitigation is established by appropriate professional(s) meeting the Secretary of Interior qualification standards. Should human remains be encountered, the County Coroner must also be notified within 48 hours. If the remains are Native American, the coroner must notify the Native American Heritage Commission within 24 hours.</p> <p>Mitigation Measure; Planning Staff Recommendation</p>	<p>MARIPOSA PLANNING</p>	
<p>19. A drainage setback shall be established and shown on the Parcel map for the seasonal stream that runs through the property. The width of the easement shall be 25 feet from the centerline of the stream, to protect native plants and amphibians and riparian habitat and prevent soil erosion. A statement shall be filed in Official Records concurrently with the parcel map and referenced on the parcel map as follows:</p> <p>“No structure shall be constructed within the open space setback as shown on the Parcel Map for _____ filed in Book ___ at Page _____, Mariposa County Records. No portions of a sewage disposal system shall be constructed within the open space setback. No grading shall be allowed within the setback, except that which is necessary for access to building sites or the maintenance or improvements of County Maintained Roads. A well or wells, water pipes, underground and above ground power lines, fencing, and other similar structures or improvements may also be constructed within the open space setback subject to approval by the Planning Director. This setback shall be in perpetuity and shall restrict the use of the land within the setback.”</p>	<p>MARIPOSA PLANNING</p>	

Mitigation Measure; Planning Staff Recommendation		
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RECOMMENDATION ON OFFERS OF DEDICATION		
Staff recommends that the Planning Commission recommend that the Public Works Director accept the offer of dedication for public utilities.	Public Works	
Mariposa Planning Recommendation		

Agency Contact List				
AGENCY	CONTACT	PHONE NUMBER	SITE ADDRESS	MAILING ADDRESS
		EMAIL		
Mariposa Planning	Alvaro Arias	209-742-1218 aarias@mariposacounty.org	5100 Bullion Street Mariposa CA 95338	P.O. Box 2039 Mariposa CA 95338
Public Works	Jerry Freeman	209-966-5356	4639 Ben Hur Road Mariposa CA 95338	Same as site
Health Department	Dave Conway	209-966-2220	5100 Bullion Street Mariposa CA 95338	P.O. Box 5 Mariposa CA 95338
Mariposa County Resource Conservation District		209-966-3431	5009 Fairgrounds Rd Mariposa CA 95338	P.O. Box 746 Mariposa CA 95338
County Assessor	Sarah Wise	966-2332	4982 10th Street Mariposa CA 95338	P.O. Box 35 Mariposa CA 95338
County Fire	Jim Wilson	209-966-4330	5082 Bullion Street Mariposa CA 95338	P.O. Box 162 Mariposa CA 95338
Cal. Dept of Forestry	Matt Watson	209-966-3622	5366 Highway 49 North Mariposa CA 95338	Same as site

By signing below, the environmental coordinator confirms that the required conditions of approval and mitigation measures have been implemented as evidenced by the "Schedule of Tasks and Sign-Off Checklist", and that all direct and indirect costs have been paid. This act constitutes the issuance of a *Certificate of Completion*.

Environmental Coordinator

Date

Explanation of Headings:

Monitoring Dept: Department or Agency responsible for monitoring a particular mitigation measure.

Verified Implemented: When a mitigation measure has been implemented, this column will be initialed and dated.