

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

---

STATE OF CALIFORNIA  
COUNTY OF MARIPOSA  
PLANNING COMMISSION

Resolution

No. 2008-024

**A resolution conditionally approving Land Division Application No. 2008-126; Timothy Hooper, applicant. Assessors Parcel Number 014-380-062.**

WHEREAS an application for land division was received on June 27, 2008 from Timothy Hooper for a property located at 3577 Highway 49 South in the Bootjack area, approximately ¼ mile east of Streeter Mountain Road, also known as Assessor Parcel Number 014-380-062; and

WHEREAS the project is for the reconsideration and re-approval of Land Division Application No. 2002-517 and Amended Conditions Application No. 2005-12, the approved tentative maps for which expired; and

WHEREAS based upon the submittal date for Land Division Application No. 2008-126, it is subject to the 2006 General Plan and any new or amended policies and laws in effect on the date of action by the Planning Commission; and

WHEREAS the project proposes the division of an 68 acre parcel into four parcels of approximately 5 acres each and a remainder of 48 acres; and

WHEREAS State Highway 49 South is a state maintained road; and

WHEREAS the Planning Department reviewed the status of the previous Land Division Application condition compliance with the Public Works Department and the Health Department and conducted a new site inspection; and

WHEREAS many of the previous conditions had been met, including but not limited to on-site road construction to a paved standard, revegetation following road construction, acquisition of an encroachment permit from Caltrans, and submittal of percolation test data to the Health Department; and

WHEREAS a duly noticed public hearing was scheduled for the 25<sup>th</sup> day of July 2008; and

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

WHEREAS the Planning Commission did hold a public hearing on the noticed date and considered all of the information in the public record, including the Staff Report, the

Initial Study, testimony presented by the public concerning the application, and the comments of the applicant.

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

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby approve Land Division Application No. 2008-126.

BE IT FINALLY RESOLVED THAT the project is approved based upon the findings set forth in Exhibit 1, and with the terms, conditions, mitigation measures, and mitigation monitoring program set forth in Exhibit 2.

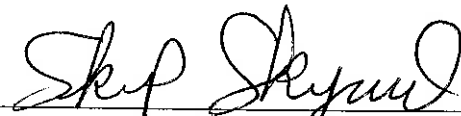
ON MOTION BY Commissioner Ross seconded by Commissioner DeSantis, this resolution is duly passed and adopted this 25<sup>th</sup> day of July 2008 by the following vote:

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

NOES: None

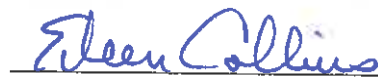
EXCUSED: None

ABSTAIN: None



Skip Skyrud, Chairman  
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. 2008-126**

Pursuant to Mariposa County Zoning Ordinance, Section 16.16.040, the following Findings are made for the approval of this land division:

1. Based on the given size and the number of parcels proposed and site inspections, the site has been found physically suited for the construction of low density home sites and appurtenant improvements such as septic systems, provided that the appropriate requirements are met in compliance with applicable Health Code requirements for residential septic systems and Mariposa County Health Department Recommendations for this land division.
2. The site is physically suited for the density allowed in this zone. The proposed project is located within the Mountain Home zone (5-acre minimum parcels with individual wells and septic systems). The subdivision density is designed in accordance with the Mountain Home zoning.
3. The Initial Study prepared for the project found that it would have a less than significant effect on the environment with the mitigation measures and conditions of approval imposed. Although the Department of Fish and Game's Natural Diversity Data Base and Areas of Special Biological Importance Map for Mariposa County, shows no special, rare, or endangered animal or plant species located on the project site or the surrounding area, the CDFG has determined 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 negative declaration.
4. This land division and its subsequent use for low-density residential purposes will not cause serious health problems. Future residential uses will be required to comply with all Building Code regulations and Health Department standards for the proper installation of wells and septic systems.
5. The proposed map is consistent with the Mariposa County General Plan. The land division is the initial step in the process to help accomplish the General Plan's Housing Element overall goal to "...provide an adequate supply of sound, affordable housing units in a safe and satisfying environment for the present and future residents of the County..." The land division satisfies the following Housing Element Policy: "to ensure that there are adequate sites and facilities available to support future housing needs." There is no specific plan governing this property.

6. 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 size. The project site is not in an area governed by a specific plan.
7. As conditioned, the project will not conflict with any public easement.
8. This land division application has been processed and reviewed in accordance with standards set forth in the Subdivision Map Act and Title 16, County Subdivision Ordinance. When the required conditions are met, the project will be in compliance with the Subdivision Map Act and the County Subdivision Ordinance.

**EXHIBIT 2**  
**CONDITIONS OF APPROVAL AND MITIGATION MEASURES**  
**FOR**  
**Land Division Application No. 2008-126**

**Project Name: Land Division for Timothy Hooper**

**File Number: LDA No. 2008-126**

**Project Approval Date: July 25, 2008**

The following conditions of approval and mitigation measures were approved for this project in order to ensure compliance with county codes and policies, and to mitigate identified environmental impacts to a level of insignificance. A completed and signed checklist indicates that the conditions and mitigation measures have been complied with and implemented, and fulfills the County of Mariposa's Mitigation Monitoring requirements with respect to Public Resources Code Section 21081.6.

1. The on-site easement from the boundary of the State Highway right-of-way (at the encroachment) to the northerly boundary of the Remainder shall be offered to the County of Mariposa. The offer of dedication shall be a minimum of 60 feet wide, non-revocable and specifically state the dedication is for "public road and utility purposes." A cul-de-sac easement with a radius of 60 feet shall be provided at the end of the proposed on-site easement to encompass cul-de-sac improvements. The cul-de-sac easement or the road easement shall provide a minimum of 60 feet of frontage along the Remainder. Additional easement width may be required to encompass the required road and cul-de-sac improvements, and associated cuts and fills, in accordance with the County Improvement Standards and Road Improvement and Circulation Policy. The location and width of the offers of dedication shall be approved by the County Engineer.
2. The access road from the State Highway 49 South encroachment to the northerly property line of the Remainder shall meet a Rural Class II standard at the time of recordation of the parcel map. The required road improvements shall be completed in accordance with the Road Improvement and Circulation Policy and the County Improvement Standards and shall be approved by the County Engineer at the time of recordation of the parcel map. The County Engineer may require engineered improvement plans prepared by a Registered Civil Engineer for any improvements required as a condition of approval for this project. If engineered improvement plans are required, the plans shall be approved by the County Engineer prior to commencement of construction work on the required road improvements.
3. A turnaround shall be constructed within the cul-de-sac easement at the end of the required on-site easement at the Remainder. The turnaround shall be improved to meet county standards and CalFire standards at the time of recordation of the parcel map. The required turnaround improvements shall be completed in accordance with the Road Improvement and Circulation Policy and the County Improvement Standards and shall be approved by the County Engineer at the time of recordation of the parcel map.

4. An encroachment permit for the expanded use of the existing driveway encroachment (for the land division) shall be acquired from CalTrans. A copy of the encroachment permit shall be provided to the County Surveyor. Evidence that all permit requirements have been completed to the satisfaction of Caltrans shall be submitted to the County Surveyor prior to the recordation of the parcel map.
5. The approved road name, Quail Hill Road, shall be shown on the parcel map.
6. A road name sign for the Quail Hill Road shall be placed at the intersection of State Highway 49 and Quail Hill Road prior to the recordation of the parcel map. The design, placement and specifications of the sign shall be in accordance with the Mariposa County Improvement Standards and approved by the County Engineer prior to the recordation of the parcel map. If the sign is located in the state highway right-of-way, the sign should be part of the Caltrans encroachment permit (see Condition 3). Caltrans requirements for the sign design may override county requirements, if the sign is in the state highway right-of-way.
7. A road maintenance association shall be formed to provide for the maintenance of Quail Hill 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 that Parcels A, B, C, D and the Remainder shall be responsible for road maintenance. These provisions shall be reviewed and approved by the County Engineer prior to recordation of the parcel map and shall:
  - 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 (including the remainder) in the subdivision served by the access roads.
  - d. Provide a mechanism for the road maintenance association to collect delinquent payments or assessments for the maintenance described above by filing a lien on the delinquent properties.
  - e. Provide a mechanism for new parcels to be added to the association.
8. Percolation tests and soils analysis tests shall be performed on Parcel A, C and D in accordance with Health Department rules and regulations and Health Department policy 03-01. The results of these tests shall be submitted to the Mariposa County Health Department and be approved by the County Environmental Health Specialist prior to recordation of the parcel map. A letter from the County Environmental Health Specialist shall be submitted to the County Surveyor stating that approved percolation tests and soils analysis tests have been performed on the parcels. If any parcel does not meet applicable rules and regulations, it may be merged with an adjacent parcel.

A statement shall be recorded in Official Records concurrently with the parcel map and referenced on the parcel map as follows:

"Approved percolation tests and soils analysis tests have been performed on Parcels \_\_, \_\_ and \_\_ as shown on the Parcel Map for \_\_\_\_, recorded in Book \_\_\_\_ of Parcel Maps at Page \_\_\_\_, Mariposa County Records, to verify the feasibility of installing an on-site septic disposal system. A map identifying the location of the approved percolation tests is on file in the County Health Department. If an on-site septic system is proposed for a portion of a parcel that has not had approved percolation tests, additional percolation tests and design recommendations may be required."

9. 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 Mariposa County Resource Conservation District (RCD) or other agency designated by the Public Works Department. The applicant shall 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 control provisions have been completed.

10. A notice shall be recorded for each parcel and referenced on the parcel map stating:

"Future residential development on Parcels A, B, C, D and the Remainder as shown on the Parcel Map for \_\_\_\_, filed in Book \_\_\_\_ of Parcel Maps at Page \_\_\_\_ Mariposa County Records shall be required to conform with all applicable State Responsibility Area Fire Safe Regulations, which may include water storage."

11. A drainage setback shall be established for the seasonal drainages traversing the: a) southern half of Parcel A, b) the northern half of Parcel C (both drainages), c) the northern half of Parcel D, and d) the southern half of Parcel C. The setbacks shall be shown on the parcel map, and shall be a minimum of 25 feet from the centerline on each side of the drainage to protect native plants and amphibians and to prevent soil erosion. The location of the setbacks shall be approved by the Planning Director prior to recordation of the parcel map. A statement shall be recorded in Official Records concurrently with the parcel map and referenced on the parcel map as follows:

"No structure shall be constructed within the open space setback on Parcels A, C and D as shown on the Parcel Map for \_\_\_\_\_ recorded in Book \_\_\_\_ at Page \_\_\_\_, Mariposa County Records. No portions of a sewage disposal (treatment) system shall be constructed within the open space setback. No grading shall be allowed within the setback, except that which is necessary to construct and maintain the roads and driveways for access to building sites or for maintenance of improvements on the parcels. A well or wells, water or transmission pipes, underground and above ground power lines, fencing, and other similar structures or improvements may also be constructed within the open space setbacks subject to approval by the Planning Director. This setback shall be in perpetuity and shall restrict the use of the land within the setback."

12. 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 (\$1,876.75 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<sup>st</sup> 2008), 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, August 1<sup>st</sup> 2008 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 \$1,926.75 (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.

Note, the filing fees are adjusted annually, effective January 1<sup>st</sup> of each year, pursuant to Fish and Game Code.

13. Verification of taxes paid shall be submitted to the County Surveyor prior to the recordation of the Parcel Map.
14. A declaration shall be recorded with the parcel map and shall be referenced on the parcel map:  
  
"A Certificate of Compliance must be obtained prior to issuance of a development permit on the remainder as shown on the Parcel Map for \_\_\_\_\_, recorded in Book \_\_\_\_\_ of Parcel Maps at Page \_\_\_\_\_, Mariposa County Records, in accordance with Section 16.04.030 of Mariposa County Code."
15. A declaration shall be recorded concurrently with and referenced on the parcel map stating:  
  
"There shall be no county development permit (including, but not limited to a well permit, a septic permit, a grading permit, and/or a structure permit) issued to the remainder as shown on the Parcel Map for \_\_\_\_\_, recorded in Book \_\_\_\_\_ of Parcel Maps at Page \_\_\_\_\_, Mariposa County Records, until all of the subdivision conditions for the remainder, as established by the Planning Commission, have been met. The remainder is not a parcel available for sale, lease or finance until all of the subdivision conditions for the remainder have been met. The remainder may or may not be surveyed."
16. Prior to the commencement of any road improvements, road construction or other road building or maintenance activities required as a condition of approval for this project and prior to issuance of any encroachment permit for the required improvements, a consultation meeting with the Public Works Department and the applicant and road contractor shall occur. Any and all costs associated with the consultation shall be the responsibility of the applicant. The County engineer shall verify that this condition has been met prior to issuance of any encroachment permit required for this project and prior to the scheduling of any on-site inspection of road improvements.
17. Prior to recordation 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.
18. 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.

19. Prior to recordation of the parcel map, the applicant shall prove to the satisfaction of the Health Department that Parcels A, C and D have a supply of potable water meeting requirements for quantity and quality. Proof is as follows:
  - 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 well; or
  - e. other satisfactory proof and wells drilled and tested prior to sale to demonstrate the quantities described in "Section d." above.

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:

"Water supplies for residential lands are derived from private wells on Parcels A, B, C, and D as shown on the Parcel Map for \_\_\_\_\_, recorded 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."

20. Subdivision Map Act Section 66434.2 applies to the recordation of the parcel map for this project.
21. Project approval is valid for a period of three years from July 25, 2008. This approval shall expire on July 25, 2011.
22. The two hand dug wells located on Parcel A, which represent a potential safety hazard and which are in disrepair and abandoned, shall be destroyed. Prior to destroying the wells, the applicant shall obtain a permit from the Mariposa County Health Department as required by Section 13.16.040,

County Code The procedure and requirements for destroying the wells shall be in accordance with California Department of Water Resources Bulletin 74-81 and 74-90.

23. Prior to recordation of the Parcel Map, the existing home on Parcel B shall have a new address assigned, to correspond to the new road name Quail Hill Road.

### **CONDITIONS for REMAINDER**

1. Upon completion of all conditions applied to the remainder, a Certificate of Compliance shall be recorded on the remainder, in accordance with Section 16.04.030, County Subdivision Ordinance. Fees associated with the recordation of the certificate of compliance shall be paid by the applicant. If the Remainder is not shown on the parcel map, a legal description prepared by a land surveyor or other qualified individual will be required.
2. Quail Hill Road from the State Highway 49 South encroachment to the northerly property line of the Remainder shall meet a Rural Class II standard at the time of recordation of the Certificate of Compliance. The required road improvements shall be completed in accordance with the Road Improvement and Circulation Policy and the County Improvement Standards and shall be approved by the County Engineer at the time of recordation of the Certificate of Compliance.
3. 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 Mariposa County Resource Conservation District (RCD) or other agency designated by the Public Works Department. The applicant shall 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 control provisions have been completed.

If the Public Works Director determines that there is no on-site road work necessary to complete the requirements described in Condition No. 2 above, then this condition may be waived by the Planning Director.

### **OFFERS OF DEDICATION**

The Planning Commission recommends that the County Engineer accept the offers of dedication of the easement on-site, including the turnaround, for public access and utilities, but reject the offer of dedication for maintenance.