

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

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution
No. 2006-15

A resolution conditionally approving Land Division Application No. 2006-1, Maureen Spacke, applicant. Assessor Parcel Number 014-510-029

WHEREAS an application for land division was received on January 10, 2006 from Maureen Spacke for a property located at 5221 Darrah Road in the Bootjack Town Planning Area, also known as Assessor Parcel Number 014-510-029; and

WHEREAS the project proposes the division of one parcel measuring 9.89 acres into three parcels, with Parcel A being 3.49 net acres, Parcel B being 2.56 net acres, and Parcel C being 2.88 net acres, and access for all parcels from an onsite easement connecting to Darrah Road; 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 the 21st of April, 2006; 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 an 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, and the comments of the agent for the applicant,

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

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby approve Land Division Application No. 2006-1; and

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

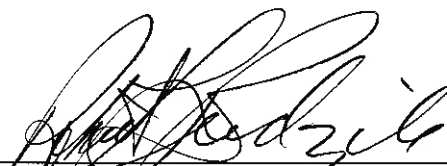
ON MOTION BY Commissioner Ludington, seconded by Commissioner Ross, this resolution is duly passed and adopted this April 21, 2006, by the following vote:

AYES: Commissioners Ludington, Ross, Rudzik, Skyrud, and DeSantis

NOES: None

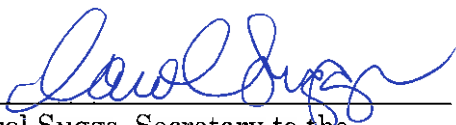
EXCUSED: None

ABSTAIN: None



Robert L Rudzik, Chair
Mariposa County Planning Commission

Attest:



Carol Suggs, Secretary to the
Mariposa County Planning Commission

Exhibit 1—Findings for Project Approval

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

EVIDENCE: Based on site inspection and the proposed division of the existing parcel into three parcels of approximately three acres each, the site is physically suited for homes and appurtenant improvements such as septic systems provided that the conditions of approval regarding the septic systems and approved locations are met. The proposed project is located within the Bootjack Town Planning Area. The subdivision density is designed in accordance with the requirements of the Bootjack Town Planning Area.

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 project description and the mitigation measures as recommended by staff, it would have a less than significant effect on the environment. According to the Department of Fish and Game's Natural Diversity Data Base and Areas of Special Biological Importance Map for Mariposa County, there are no special, rare, or endangered animal or plant species, or wildlife resources located on the project site and the surrounding area that would be adversely affected by approval of this project. The land is currently developed with single-family residences and will 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 of (\$1,250) for a mitigated negative declaration as required by AB 3158 and a County Clerk fee of (\$25).

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 residential purposes are not likely to cause serious health problems. Future residential uses will be required to comply with all Building Code regulations and Health Department standards 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.

4. **FINDING:** The proposed map is consistent with applicable general and specific plans as specified in Government Code Section 65451.

EVIDENCE: The land division is the initial step in the process to help accomplish the General Plan's Housing Element overall goal to "...provide an adequate supply of sound, affordable housing units in a safe and satisfying environment for the present and future residents of the County..." The land division satisfies the following Housing Element Policy: "to ensure that there are adequate sites and facilities available to support future housing needs." There is no specific plan governing this property.

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

EVIDENCE: The project site is not in an area governed by a Specific Plan. The land division's design complies with the County Subdivision Ordinance's maximum 4:1 length to width ratio for parcel configuration. The minimum parcel size proposed by the project is consistent with standards contained in the General Plan and the Zoning Ordinance for the Town Planning Area land use and zoning classifications.

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

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

7. **FINDING:** The waiver of County standards requested by the applicant is appropriate for this project.

EVIDENCE: The applicant has requested a waiver to Mariposa County minimum easement width standards, allowing the parcels to have access from an easement that is less than sixty feet in width. Further subdivision of any of the proposed parcels is not possible without community sewer and water services, and therefore no future parcels will be created that will need access from this easement. The applicant has proposed an easement width of forty feet, which is the minimum easement width permitted by the Road Improvement and Circulation Policy. The proposal for reduced easement width is consistent with the Road Improvement and Circulation Policy and with previous actions of the Planning Commission. The proposed location of the easement is not steep, and the road improvements will easily be able to fit within the forty-foot-wide area.

Exhibit 2—Conditions and Mitigation Measures

The following conditions of approval and mitigation measures were approved for this project in order to ensure compliance with county codes and policies, and to mitigate identified environmental impacts to a level of insignificance. A completed and signed checklist indicates that the conditions and mitigation measures have been complied with and implemented, and fulfills the County of Mariposa's Mitigation Monitoring requirements with respect to Assembly Bill 3180 (Public Resources Code Section 21081.6). The approved conditions include the changes made at the Planning Commission hearing.

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

	Monitoring Dept.	Verified Implemented
CONDITIONS OF APPROVAL / PUBLIC WORKS DEPARTMENT		
<p>1. The proposed onsite easement from Darrah Road to the cul-de-sac shall be made forty feet wide and non-exclusive. The easement shall be designated for access for the use and benefit of the subject property. A cul-de-sac easement with a radius of 60 feet shall be provided at the end of the road improvements on the easterly side of the subject property, to encompass the required cul-de-sac improvements. 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>§16.20.160.B, County Subdivision Ordinance; Road Standard Cross-sections and Section II.A.3, Road Improvement and Circulation Policy.</p>	Public Works	
<p>2. A variable width dedication of a minimum of 30 feet from the centerline of Darrah Road shall be offered to the County of Mariposa. The offer of dedication shall be non-revocable and specifically state on the parcel map that the dedication is for "public road and public utility purposes." The location and width of the offer of dedication shall be approved by the County Engineer</p> <p>§ 16.12.150, County Subdivision Ordinance; Section II.A.3, Road Improvement and Circulation Policy.</p>	Public Works	
<p>3. An encroachment permit shall be obtained from Public Works prior to any work being done on or adjacent to Darrah Road, including any</p>	Public Works	

<p>work done on the encroachment for the onsite easement road. All encroachment improvements shall be completed as required by Public Works. Evidence that the encroachment permit has been completed to the satisfaction of Public Works shall be submitted to the County Surveyor by the applicant prior to recordation of the parcel map.</p> <p>Chapter 11, County Improvement Standards</p>		
<p>4. The proposed onsite easement road shall be improved to a Rural Class IA SRA standard from the intersection of Darrah Road to the cul-de-sac at the terminus of the onsite easement road; the road shall meet this standard at the time of parcel map recordation. The required road improvements shall be completed in accordance with the Road Improvement and Circulation Policy and the County Improvement Standards and shall be approved by the County Engineer at the time of the recordation of the parcel map. The County Engineer may require engineered improvement plans for any grading or road improvement work required as a condition of approval for this project. The plans shall be approved by the County Engineer prior to commencement of construction work on the required road improvements.</p> <p>§16.12.170, County Subdivision Ordinance; Chart A and Section II.D.2.a, Road Improvement and Circulation Policy.</p>	Public Works	
<p>5. A cul-de-sac shall be constructed at the terminus of the required road improvements for the onsite easement road, located on the west side of the subject property. 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 parcel map. If construction of a cul-de-sac is impractical due to the on-site terrain as determined by the County Engineer with the concurrence of CDF, the applicant may request permission to construct a hammerhead T turnaround. At the time of 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>6. A road maintenance association shall be formed to provide for the maintenance of the onsite 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 recordation of the final map and shall:</p>	Public Works	

<p>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.</p> <p>b. Provide for annual maintenance and the immediate correction of emergency and hazard situations.</p> <p>c. Include 100% of the parcels in the subdivision served by the access roads.</p> <p>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.</p> <p>e. Provide a mechanism for new parcels to be added to the association.</p> <p>Public Works Recommendation</p>		
<p>7. 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, a consultation meeting with the Public Works Department, the California Department of Forestry and Fire Protection, the applicant, and the road contractor shall occur. This meeting shall be conducted onsite. This consultation meeting shall be set up by the applicant and/or agent. Any and all costs associated with the consultation shall be the responsibility of the applicant. Public Works shall verify that this condition has been met prior to construction of any road improvements required for this project and prior to the scheduling of any onsite inspection of road improvements.</p> <p>Public Works Recommendation</p>	<p>Public Works</p>	
<p>8. Immediately upon completion of the required road and encroachment improvements, the applicant shall re-vegetate all exposed soils and install other erosion control as recommended by the Natural Resource Conservation Service/Resource Conservation District (NRCS/RCD) or the Public Works Department. The applicant shall also contact the NRCS/RCD or Public Works for an inspection. Inspection fees shall be the responsibility of the applicant. A letter shall be submitted to the County Surveyor by NRCS/RCD or Public Works stating that the re-vegetation and erosion control provisions have been completed.</p>	<p>Public Works</p>	
<p>9. All signs required by the conditions of approval for this project 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.</p> <p>Public Works Recommendation</p>	<p>Public Works</p>	

<p>10. A stop sign shall be placed onsite at the intersection of Darrah Road and the onsite easement road. The stop sign shall be installed on a metal breakaway type post prior to map recordation. The design and placement of signs shall be approved by the County Engineer prior to installation.</p> <p>Public Works Recommendation</p>	<p>Public Works</p>	
<p>11. A sign stating "THIS ROAD IS NOT COUNTY MAINTAINED" shall be installed onsite at the intersection of Darrah Road and the onsite easement road prior to map recordation. The design and specifications of the sign shall be in accordance with the County Improvement Standards and shall be approved by the County Engineer prior to installation.</p> <p>(Section III.A.4, Road Improvement and Circulation Policy)</p>	<p>Public Works</p>	
<p>12. A road name sign for the on-site easement shall be placed at the intersection of Darrah Road and the onsite easement road 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.</p> <p>§16.12.175, Mariposa County Subdivision Code</p>	<p>Public Works</p>	
<p>13. A Verification of Taxes Paid Form, acquired no sooner than 30 days prior to the recordation of the final map, shall be submitted to the County Surveyor.</p> <p>§16.12.395, Mariposa County Subdivision Code</p>	<p>Public Works</p>	
<p>CONDITION OF APPROVAL / MARIPOSA PLANNING</p>		
<p>14. Project approval is valid for a period of three years from April 21, 2006. This approval shall expire on April 21, 2009.</p> <p>§16.12.430, Mariposa County Subdivision Code</p>	<p>Mariposa Planning</p>	
<p>15. Prior to recordation of the final map, all fees associated with the County's processing of the map and filing of associated documents shall be paid. The Department of Fish and Game filing fee (\$1,250) and County Clerk fee (\$25) shall be paid by the applicant within five (5) working days of the approval of the application, because if the fee is not paid within 5 working days, the environmental determination is not operative, vested, or final (Section 21089(b) Public Resources Code).</p> <p>The County Clerk requires that one check be submitted to cover both of these fees, for a total of \$1,275.00, and that it be in the form of a cashiers check or money order payable to "Mariposa County;" The County Clerk will not accept a personal check for these fees. Submit the check to Mariposa Planning who will file this fee and other required</p>	<p>Mariposa Planning</p>	

<p>documents with the County Clerk.</p> <p>§16.12.390, Mariposa County Subdivision Code</p>		
<p>16. 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.</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>Mariposa Planning</p>	
<p>CONDITIONS OF APPROVAL/ MARIPOSA COUNTY HEALTH DEPARTMENT</p>		
<p>17. Percolation and soils analysis tests shall be performed on Parcel A. The results of those tests shall be submitted to and approved by the Mariposa County Health Department. A statement shall be recorded in Official Records concurrently with the parcel map and referenced on the parcel map as follows:</p> <p>"Approved percolation tests and soils analysis tests have been performed on Parcel A 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."</p>	<p>Environmental Health</p>	

§ 16.12.330, County Subdivision Ordinance		
18. Prior to recordation of the parcel map, the applicant shall demonstrate to the satisfaction of the Mariposa County Health Department that the existing septic systems on Parcels B and C meet the required setbacks from all proposed and existing property lines. Health Department recommendation	Environmental Health	
CONDITIONS OF APPROVAL/CALIFORNIA DEPARTMENT OF FORESTRY & FIRE PROTECTION		
19. 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. Public Resource Code 4290	CDF	
CEQA MITIGATION MEASURES		
20. Prior to recordation of the parcel map, 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 onsite within fifty feet of the centerline of the onsite easement road 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 construction 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. Mitigation Measure 4.e.1	Mariposa Planning	
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 for the onsite easement road. Mariposa Planning Recommendation	Public Works	
Staff recommends that the Planning Commission recommend that the Public Works Director accept the offer of dedication for public access,	Public Works	

utilities, and maintenance for the portion of Darrah Road within the project site.		
Mariposa Planning Recommendation		

Agency Contact List				
AGENCY	CONTACT	PHONE NUMBER EMAIL	SITE ADDRESS	MAILING ADDRESS
Mariposa Planning	Megan Tennermann	209-742-1219 mtennermann@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
Regional Water Quality Control Board	JoAnne Kipps	559-445-5035	1685 E Street Fresno CA 93706	Same as site
Mariposa County Resource Conservation District	Jerry Progner	209-966-3431	5009 Fairgrounds Rd Mariposa CA 95338	P.O. Box 746 Mariposa CA 95338
County Assessor	Eddie Ellis	966-2332	4982 10th Street Mariposa CA 95338	P.O. Box 35 Mariposa CA 95338
County Fire	Blaine Shultz	209-966-4330	5082 Bullion Street Mariposa CA 95338	P.O. Box 162 Mariposa CA 95338
Cal. Dept of Forestry	Dennis Townsend	209-966-3622	5366 Highway 49 North Mariposa CA 95338	Same as site

Certificate of Completion:

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

Environmental Coordinator

Date

Explanation of Headings:

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

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