

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution
No. 2006-24

**A resolution conditionally approving LAND DIVISION
APPLICATION #2006-17 Patrick & Kimie Barbello, applicants.
Assessor Parcel Number 017-400-024.**

WHEREAS an application for LAND DIVISION APPLICATION #2006-17 was received on 1/5/06 from Patrick & Kimie Barbello for a property located at 4260 Miwuk Road, also known as Assessor Parcel Number 017-400-024; and

WHEREAS; the Land Division Application No. 2006-17 proposes to divide a 10.73 acre parcel into 2 parcels. Parcel A is 5.65 acres and Parcel B is 5.09 acres. The subject parcel currently gains access from Miwuk Road, an existing easement that encroaches on to Indian Peak Road approximately 3.5 miles south of Highway 49 South. Applicants are proposing an easement from Miwuk Road to provide access to both parcels,

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 May 19th, 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 Notice of Exemption were prepared pursuant to the California Government Code, Mariposa County Code, California Environmental Quality Act, and local administrative procedures; and

WHEREAS the Planning Commission did hold a public hearing on the noticed date and considered all of the information in the public record, including the Staff Report, 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 find that the project is exempt pursuant to CEQA; and

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby approve LAND DIVISION APPLICATION #2006-17; and

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

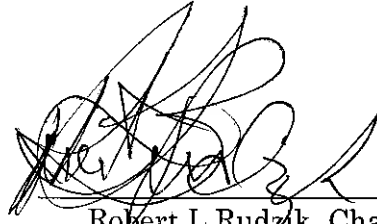
ON MOTION BY Commissioner Ross, seconded by Commissioner Ludington, this resolution is duly passed and adopted this by the following vote:

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

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
PROJECT FINDINGS
FOR
LDA 2006-17

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

EVIDENCE: The parcels to be created are five or more acres in size. The parcels have access to an easement road that connects to a county maintained road. The topography of the subject property is acceptable for the construction of residences. Based on site inspection and the size and the number of parcels proposed, the site is physically suited for low-density homes and appurtenant improvements such as septic systems provided that the conditions of approval are met. Soil tests have been approved by the Health Department demonstrating the ability to install septic systems. The proposed project is located within the Mountain Home zone, five-acre minimum parcel size. The subdivision density is designed in accordance with the Mountain Home zone.

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: This project is exempt under section 15315 of the CEQA guidelines. This is a minor land division that will result in the creation of 2 parcels. Additionally, road improvement is minor. Two seasonal drainages are located on site, no riparian vegetation is present.

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. Future residential uses will be required to comply with all Building Code regulations and Health Department standards for the proper installation of 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." The project site is not in an area governed by a Specific Plan.

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 project site is not in an area governed 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: Utility companies have reviewed the project and have expressed no concern about possible conflicts with any easements located on-site.

EXHIBIT 2
CONDITIONS OF APPROVAL AND MITIGATION MEASURES
FOR
LDA 2006-17

The following conditions of approval and mitigation measures 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, and fulfills the County of Mariposa's Monitoring requirements.

Project Name: Barbello

File Number: LDA No. 2006-17

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

Sign-Off Checklist for Conditions of Approval

CONDITIONS OF APPROVAL / PUBLIC WORKS DEPARTMENT	MONITORING DEPARTMENT	VERIFIED IMPLEMENTED
<p>1. The proposed onsite easement shall be made 60 foot wide and non-exclusive. A cul-de-sac easement with a radius of 60 feet shall be provided to encompass the required cul-de-sac improvements at the boundary between Parcels A and B. Additional easement width may be required to encompass the required road improvements, including turnouts and associated cuts and fills, in accordance with the County Improvement Standards and Road Improvement and Circulation Policy. The easements shall be offered for dedication to the County of Mariposa. The offers of dedication shall be non-revocable and specifically state on the Parcel map that the dedications are for "public road and utility purposes."</p> <p>(Section 16.12.160.B, County Subdivision Ordinance; Road</p>	Public Works	

<p>Standard Cross-sections, Road Improvement and Circulation Policy).</p> <p>The Planning Commission recommends that the Public Works Director accept the offer of dedication for public access and utilities, but reject the offer for public maintenance for the on-site access roads.</p>	<p>PUBLIC WORKS</p>	
<p>2. A dedication of a minimum of 30 thirty feet from the centerline of Woodview Lane that is adjacent to the subject property 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. The offer of dedication shall include all dedication required to encompass the existing slopes.</p> <p>[COUNTY SUBDIVISION ORDINANCE SECTION 16.12.150, ROAD IMPROVEMENT AND CIRCULATION POLICY SECTION II.A.3]</p> <p>The Planning Commission recommends that the Public Works Director accept the offer of dedication for public access and utilities, but reject the offer for public maintenance for Woodview Lane.</p>	<p>PUBLIC WORKS</p>	
<p>3. Miwuk Road from Indian Peak to Parcel A shall be improved to a Rural Class II SRA 'B' standard, the onsite easement road from the north-west corner of Parcel A to Parcel B shall be improved to a Rural Class I SRA 'A' standard, these standards shall be met 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 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</p>	<p>PUBLIC WORKS</p>	

<p>[COUNTY SUBDIVISION ORDINANCE SECTION 16.12.170, ROAD IMPROVEMENT AND CIRCULATION POLICY CHART A AND SECTION II.D.]</p>		
<p>4. A cul-de-sac shall be constructed at the terminus of the on-site easement road at the parcel boundary between Parcels A and B. The cul-de-sac shall be constructed to meet county standards and shall meet this standard 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. Prior to recordation of the parcel map, the County Surveyor shall confirm that this condition has been met.</p> <p>[COUNTY SUBDIVISION ORDINANCE SECTION 16.12.170, ROAD IMPROVEMENT AND CIRCULATION POLICY CHART A AND SECTION II.A.2, COUNTY IMPROVEMENT STANDARDS, SECTION 11.4(9) & SECTION 11.4 (10)]</p>	<p>PUBLIC WORKS</p>	
<p>5. An encroachment permit shall be obtained from the Mariposa County Public Works Department prior to any work being done on or adjacent to Indian Peak Road. In addition, 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 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>[ROAD IMPROVEMENT AND CIRCULATION POLICY SECTION II.C.5 & COUNTY IMPROVEMENT STANDARDS SECTION 11]</p>	<p>PUBLIC WORKS</p>	

<p>6. Prior to the commencement of any road improvements, road construction or other road building or maintenance activities required as a condition of approval for this project and prior to issuance of any encroachment permit for the required improvements, a consultation meeting with the Public Works Department, the California Dept. of Forestry and Fire Prevention, the applicant, the agent, and a road contractor 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>[COUNTY IMPROVEMENT STANDARDS, SECTION 3 & SECTION 11.3(C)]</p>	<p>PUBLIC WORKS</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 Natural Resource Conservation Service/Resource Conservation District (NRCS/RCD). The applicant shall also contact NRCS/RCD for an inspection. Inspection fees shall be the responsibility of the applicant. A letter shall be submitted to the County Surveyor by NRCS/RCD stating that the re-vegetation and erosion control provisions have been completed.</p> <p>[COUNTY IMPROVEMENT STANDARDS, SECTION 12]</p>	<p>PUBLIC WORKS</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.</p> <p>[ROAD IMPROVEMENT AND CIRCULATION POLICY SECTION III.A., COUNTY IMPROVEMENT STANDARDS SECTION 11.5(D)]</p>	<p>PUBLIC WORKS</p>	
<p>9. A STOP sign shall be placed at the intersection of Miwuk Road and Indian Peak Road . The design and placement of this STOP sign shall be approved by the County engineer prior to installation.</p> <p>[Road Improvement and Circulation Policy Section III.A., County Improvement Standards Section 11.5(D)]</p>	<p>PUBLIC WORKS</p>	
<p>10. If the onsite easement road is accepted by the County for public access but not for maintenance, a sign stating "THIS ROAD IS NOT</p>	<p>PUBLIC WORKS</p>	

<p>COUNTY MAINTAINED" shall be installed at the intersection of Miwuk Road and Indian Peak 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>[ROAD IMPROVEMENT AND CIRCULATION POLICY SECTION III.A., COUNTY IMPROVEMENT STANDARDS SECTION 11.5(D)]</p>		
<p>11. A road name sign for Miwuk Road shall be placed at the intersection of Miwuk Road and Indian Peak 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>(Section 16.12.175, County Subdivision Ordinance).</p>	<p>PUBLIC WORKS</p>	
<p>12. A road maintenance association shall be formed to provide for the maintenance of Miwuk 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 parcel map and shall:</p> <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 road.</p>	<p>PUBLIC WORKS</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>The County Surveyor shall confirm that this condition has been met prior to parcel map recordation.</p>		
<p>13. A declaration or covenant of non-protest for road maintenance of Miwuk Road shall be recorded concurrently with the parcel map and shall be referenced on the parcel map. The declaration or covenant shall be made appurtenant to each parcel and shall state that the owner or future owners of the parcels waive their right to protest the formation of a zone of benefit or assessment district within Countywide County Service Area No. 1 for road improvements, road upgrades, and/or maintenance of the easement road. The declaration or covenant shall be approved by the Public Works Director prior to recordation.</p>	Public Works	
<p>14. 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. [COUNTY SUBDIVISION ORDINANCE SECTION 16.12.395]</p>	Public Works	
<p>CONDITION OF APPROVAL / MARIPOSA PLANNING</p>	<p><i>MONITORING DEPARTMENT</i></p>	<p><i>VERIFIED IMPLEMENTED</i></p>
<p>15. Project approval is valid for a period of three years from May 19, 2006. This approval shall expire on May 19, 2009.</p> <p>[MARIPOSA COUNTY SUBDIVISION CODE SECTION 16.12.430]</p>	MARIPOSA PLANNING	

<p>16. 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>17. The onsite easement road shall be named "Miwuk Road" in accordance with County Resolution No. 92-541. A Road Name Request application shall be submitted to the Planning Department and be approved by the Board of Supervisors. The name of the road shall be shown on the Parcel Map. [COUNTY RESOLUTION NO. 92-541]</p>	<p>MARIPOSA PLANNING</p>	
<p>18. OPTIONAL: Prior to recordation of the parcel map, the applicant may elect to file a Notice of Exemption with the County Clerks office. By filing the NOE the statute of limitations on appeals is shortened from 180-days to 35-days. The County Clerk fee of \$25 for the Notice of Exemption must 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</p>	<p>MARIPOSA PLANNING</p>	

<p>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 this fee, for a total of \$25.00, 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 the Notice of Exemption with the County Clerk.</p> <p>§16.12.390, Mariposa County Subdivision Code; 711.4(c) of the State Fish and Game code</p>		
<p>CONDITION OF APPROVAL/ HEALTH DEPARTMENT</p>	<p><i>MONITORING DEPARTMENT</i></p>	<p><i>VERIFIED IMPLEMENTED</i></p>
<p>19. A statement shall be recorded in Official Records concurrently with the Parcel map and referenced on the Parcel map as follows:</p> <p>“Approved soils analysis tests have been performed on Parcels A and B 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 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 an approved test, additional tests and design recommendations may be required.</p> <p>(Section 16.12.330, County Subdivision Ordinance; Health Department Recommendation)</p>	<p>HEALTH DEPARTMENT</p>	
<p>CONDITION OF APPROVAL/ CALIFORNIA DEPARTMENT OF FOREST AND FIRE PROTECTION</p>	<p><i>MONITORING DEPARTMENT</i></p>	<p><i>VERIFIED IMPLEMENTED</i></p>

<p>20. Prior to Parcel Map recordation, the applicant shall have complied with all applicable SRA Fire Safe Regulations. A document shall be recorded and referenced on the Parcel Map that states:</p> <p>“Future residential development on Parcels A and B as shown on the Parcel Map for _____, recorded in Book _____ of Parcel Maps at Page _____ M.C.O.R. shall be required to conform with all applicable SRA Fire Safe Regulations (Public Resource Code 4290 and 4291). Furthermore, the development of the parcels is subject to all applicable SRA Fire Safe Regulations and the risk of fire hazards shall be reduced through compliance with Public Resource Code 4291.”</p> <p>Evidence that this condition has been satisfied shall be in the form of a letter from the California Department of Forestry (CDF) to the County Surveyor.</p>	<p>CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION</p>	
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Agency Contact List				
AGENCY	CONTACT	PHONE NUMBER EMAIL	SITE ADDRESS	MAILING ADDRESS
Mariposa Planning	Wes McCullough	209-742-1218 wmccullough@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	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	Paul Alvarez	209-966-3622	5366 Highway 49 North Mariposa CA 95338	Same as site

Certificate of Completion:

By signing below, the project planner/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*.

Project Planner/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.