

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

---

STATE OF CALIFORNIA  
COUNTY OF MARIPOSA  
PLANNING COMMISSION

Resolution  
No. 2006-42

A resolution conditionally approving Land Division Application No. 2005-176, Richard Prater and Carole Beckman, applicants. Assessor Parcel Number 017-280-028.

WHEREAS an application for land division was received on September 21, 2005 from Richard Prater and Carole Beckman for a property located at 3924 Ben Hur Road, approximately 2300 feet east of the intersection of Ben Hur Road and Buckeye Road, also known as Assessor Parcel Number 017-280-028; 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 8<sup>th</sup> day of September, 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, 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 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. 2005-176; and

BE IT THEREFORE FURTHER 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.

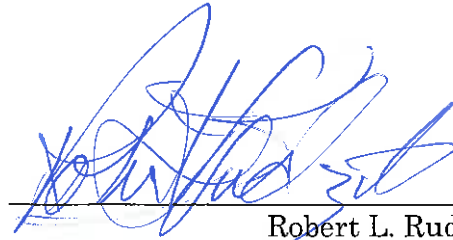
ON MOTION BY Commissioner DeSantis, seconded by Commissioner Skyrud, this resolution is duly passed and adopted this September 8, 2006 by the following vote:

AYES: Commissioners DeSantis, Hagan, Rudzik, and Skyrud

NOES: None

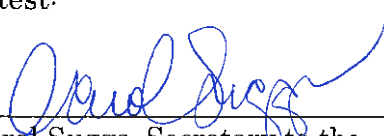
EXCUSED: Commissioner Ross

ABSTAIN: None



Robert L. Rudzik, Chair  
Mariposa County Planning Commission

Attest:

  
\_\_\_\_\_  
Carol Suggs, Secretary to the  
Mariposa County Planning Commission

## *Exhibit 1—Findings for Approval*

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

**EVIDENCE:** Based on site inspection, the site is physically suited for low-density homes and appurtenant improvements such as septic systems, provided that the conditions of approval regarding the access roads and the percolation testing are met. The proposed project is located within the Mountain Home land use and zoning classification. The subdivision density is designed in accordance with the Mountain Home land use and zoning classification.

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. 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 affected by approval of this project. The land is currently undeveloped 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 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 wells and wastewater disposal. The proper location and implementation of these improvements will ensure that serious health problems will not occur on the site. Additionally, 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 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 covered 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 property is not covered by a specific plan.

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

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

*Exhibit 2—Conditions of Approval*

Project Name: Richard Prater and Carole Beckman File Number: LDA No. 2005-176

Project Approval Date: September 8, 2006

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 have been complied with and implemented.

<b>Sign-Off Checklist for List of Conditions of Approval and Mitigation Measures</b>		
	Monitoring Dept.	Verified Implemented
<b>CONDITIONS OF APPROVAL / PUBLIC WORKS DEPARTMENT</b>		
<p>1. The road easement from Ben Hur Road to the northerly boundary of the project site at the northeast corner of Parcel B is 60 feet wide and non-exclusive. The road easement from the northeast corner of Parcel B to the cul-de-sac on Parcels A, B, and D shall be made 60 feet wide and non-exclusive. A cul-de-sac easement with a radius of 60 feet shall be provided at the intersection of Parcels A, B, and D to encompass the required cul-de-sac improvements. The driveway easement from the cul-de-sac on Parcels A, B, and D encompassing the existing driveway improvements to Parcels A and C shall be made 80 feet wide and non-exclusive. 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 created for the use and benefit of the subject properties. An offer of dedication for public utilities shall be made. The offer shall be non-revocable and specifically state on the parcel map that the dedication is for "public utility purposes."</p> <p>§16.20.130, County Subdivision Ordinance; Road Standard Cross-sections, Road Improvement and Circulation Policy.</p>	Public Works	
<p>2. The road within the easement from Ben Hur Road to the cul-de-sac at Parcels A, B, and D shall be improved to a Rural Class I SRA "A" standard and shall meet this standard at the time of</p>	Public Works	

<p>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 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. Prior to commencement of construction work on the required road improvements, the County Engineer shall approve any section of the road which exceeds 12% grade, and may require that the onsite road be paved. Grades for the onsite easement road shall not exceed 16% for any section of the road.</p> <p>§16.12.170, County Subdivision Ordinance.</p>		
<p>3. The road within the easement from the cul-de-sac at Parcels A, B, and D to the existing driveway for Parcel C shall be improved to a Rural Class IA SRA standard and 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 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. Prior to commencement of construction work on the required road improvements, the County Engineer shall review and approve plans for any section of the road which exceeds 12% grade, and may require that the onsite road be paved. Grades for the onsite easement road shall not exceed 16% for any section of the road.</p> <p>§16.12.170, County Subdivision Ordinance.</p>	Public Works	
<p>4. A cul-de-sac shall be constructed at the intersection of Parcels A, B, and D as shown on the tentative parcel map. The cul-de-sacs shall be improved to meet county standards and shall meet these standards at the time of parcel map recordation. The required cul-de-sac improvements shall be completed in accordance with the Road Improvement and Circulation Policy and the County Improvement Standards and shall be inspected and approved by the County Engineer prior to recordation of the final map. If construction of a cul-de-sac is impractical due to the</p>	Public Works	

<p>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 final map, the County Surveyor shall confirm that this condition has been met.</p> <p>Section 11.4(B)(9) County Improvement Standards</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 Ben Hur 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.</p> <p>Chapter 11, County Improvement Standards</p>	Public Works	
<p>6. A road maintenance association shall be formed to provide for the maintenance of the roads in the onsite and off-site easements. 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> <ul style="list-style-type: none"> <li>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.</li> <li>b. Provide for annual maintenance and the immediate correction of emergency and hazard situations.</li> <li>c. Include 100% of the parcels in the subdivision served by the access roads.</li> <li>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.</li> <li>e. Provide a mechanism for new parcels to be added to the association.</li> </ul> <p>Public Works Recommendation</p>	Public Works	
<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 and prior to</p>	Public Works	

<p>issuance of any encroachment permit for the required improvements, a consultation meeting with a representative of the Public Works Department, a representative of CDF, a representative from the Health Department, the applicant, the agent, 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. The boundaries of the off-site easement shall be flagged in the field at intervals of 50 feet. Flagging shall be placed by the project surveyor. This flagging shall be maintained until the off-site road improvements have been completed and approved by Public Works. 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 onsite inspection of road improvements.</p> <p>Public Works Recommendation</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). The applicant shall also contact the 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>Public Works Recommendation</p>	Public Works	
<p>9. All cut and fill areas required for the construction of the proposed access road shall be included within the access and utility easement pursuant to the County Improvement Standards, which may necessitate a variable width easement greater than 60 feet in width. If additional easement width is required for the off-site easement, no construction work on the road improvements shall commence until adequate easement documents as determined by the Public Works Department have been recorded in Mariposa County Official Records. The location, width, and description of the easements shall be approved by the County Engineer.</p> <p>Public Works Recommendation</p>	Public Works	
<p>10. All required signs shall be installed on metal, break-away type posts prior to map recordation. The design and placement of signs shall be approved by the County Engineer prior to installation.</p> <p>Public Works Recommendation</p>	Public Works	



<p>11. A stop sign shall be placed onsite at the intersection of the offsite easement road and Ben Hur Road. The stop sign shall be installed on metal breakaway type posts prior to map recordation. The design and placement of signs shall be approved by the County Engineer prior to installation.</p> <p>Public Works Recommendation</p>	<p>Public Works</p>	
<p>12. A road name sign for the easement road shall be placed at the offsite intersection of the easement road and Ben Hur Road prior to map recordation. The design and specifications of the signs 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, County Subdivision Ordinance</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 parcel map, shall be submitted to the County Surveyor.</p> <p>§16.12.395, Mariposa County Subdivision Code</p>	<p>Public Works</p>	
<p><b>CONDITION OF APPROVAL / MARIPOSA PLANNING</b></p>		
<p>14. The onsite and offsite easement road shall be named in accordance with the criteria of County Resolution No. 92-541. A Road Name Request application for the easement road 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.</p> <p>County Resolution 92-541</p>	<p>Mariposa Planning</p>	
<p>15. Project approval is valid for a period of three years from September 8, 2006. This approval shall expire on September 8, 2009.</p> <p>§16.12.430, Mariposa County Subdivision Code</p>	<p>Mariposa Planning</p>	
<p>16. Prior to recordation of the Parcel Map, all fees associated with the County's processing of the map and filing of associated documents shall be paid. The Department of Fish and Game filing fee (\$1,250) and County Clerk fee (\$25) should be paid within five (5) working days of the approval of the application, because if the fee is not paid within 5 working days, the environmental determination is not operative, vested, or final (Section 21089(b) Public Resources Code.).</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</p>	<p>Mariposa Planning</p>	

<p>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 documents with the County Clerk.</p> <p>§16.12.390, Mariposa County Subdivision Code</p>		
<p>17. 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>18. Prior to commencement of any ground-disturbing activities for this project, the applicant shall have a cultural resources survey done for the property by a qualified consultant, and shall provide a copy of the survey to the Planning Department. Any and all mitigation suggested by the consultant shall be incorporated into the project prior to recordation of the parcel map. If the Planning Director determines that incorporating such mitigation eliminates the potential development area on any of the proposed parcels or adversely affects the road alignment, the applicant shall either merge the affected parcel with an adjacent parcel or shall amend the parcel or road configuration and return to the Planning Commission with a request to amend the map, accompanied by the required fees and full application for an amended parcel map.</p>	<p>Mariposa Planning</p>	

Mitigation Measure 5.a.1		
<b>CONDITIONS OF APPROVAL/ HEALTH DEPARTMENT</b>		
<p>19. Percolation tests and soils analysis tests shall be performed on Parcels A and D in accordance with Health Department rules and regulations. If the applicant is able to provide evidence to the Health Department of prior percolation testing on Parcel A, and if the Health Department finds that testing to be sufficient for development according to current standards, the applicant shall only be required to have percolation testing done for Parcel D. The results of these tests shall be submitted to the Mariposa County Health Department and be approved by the County R.E.H.S. prior to recordation of the parcel map. A letter from the County R.E.H.S. shall be submitted to the County Surveyor stating that approved percolation tests and soils analysis tests have been performed on the parcel(s). 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 Parcels A and D as shown on the Parcel Map for Prater and Beckman, 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 an approved percolation tests, additional percolation tests and design recommendations may be required.”</p> <p>§ 16.12.330, County Subdivision Ordinance; Health Department Recommendation</p>	County Health	
<b>CONDITIONS OF APPROVAL/CALIFORNIA DEPARTMENT OF FORESTRY &amp; FIRE PROTECTION</b>		
20. 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.	CDF	
<b>MITIGATION MEASURES</b>		
21. Prior to the recordation of the parcel map for this project, the applicant shall submit an Oak Tree Identification and Preservation Plan to the Mariposa County Planning Department. This Plan shall show all trees of the genus Quercus located onsite in the area of construction activity 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	Mariposa Planning	

<p>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 of the genus Quercus within the specified size range are removed for purposes of road construction, Planning may waive this requirement by request of the applicant.</p> <p>Mitigation Measure 4.e.1</p>		
<b>RECOMMENDATION ON OFFERS OF DEDICATION</b>		
<p>Staff recommends that the Planning Commission recommend that the Public Works Director accept the offer of dedication for public utilities, but reject the offer for public maintenance of the onsite easement road.</p> <p>Mariposa Planning Recommendation.</p>	Public Works	

<b>Agency Contact List</b>				
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	Paul Alvarez	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.