

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

---

STATE OF CALIFORNIA  
COUNTY OF MARIPOSA  
PLANNING COMMISSION

Resolution  
No. 2006-55

**A resolution conditionally approving Major Land Division 2006-72 Gene and Deni Smith, applicants. Assessor Parcel Number 014-330-076.**

WHEREAS an application for Major LDA 2006-72 was received on 3/20/06 from Gene and Deni Smith for a property located at an unassigned address on Darrah Road, also known as Assessor Parcel Number 014-330-076; and

WHEREAS Major Land Division Application No. 2006-72 proposes to divide a 16.74 acres into three parcels, Parcel A is 5 acres, Parcel B is 6.68 acres and Parcel C is 5.06 acres. This land division resulting in 3 parcels is being processed as a Major Subdivision due to it's relation to previously approved Land Division Application #2005-179 of a contiguous parcel that resulted in 4 parcels. The applicants are proposing residential development within the standards established by the Mariposa County General Plan; 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 3rd of November, 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 from CEQA review.

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby approve LDA 2006-72.

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

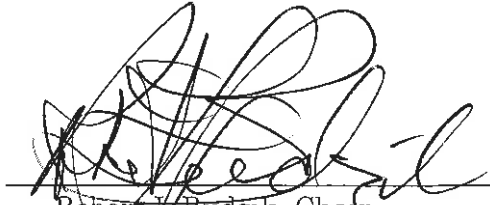
ON MOTION BY Commissioner S kyrud, seconded by Commissioner Hagan, this resolution is duly passed and adopted this by the following vote:

AYES: Commissioners S kyrud, Hagan, Rudzik, Ross, DeSantis

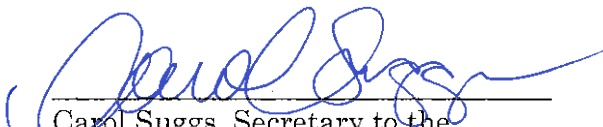
NOES:

EXCUSED:

ABSTAIN:

  
\_\_\_\_\_  
Robert L. Rudzik, Chair  
Mariposa County Planning Commission

Attest:

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

***EXHIBIT 1***  
***PROJECT FINDINGS***  
***FOR***  
***2006-72***

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 that are five acres or greater, the site is physically suited for development. The proposed project is located within the Mountain Home zone. 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. A seasonal creek is located onsite but possible impact to riparian vegetation is less than significant due to the location of the drainage, topography, and logical building area near the front of the parcels.

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, Health Department

standards, as well as requirements established by the final soils report. Both parcels will utilize onsite well and septic.

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 minimum parcel size proposed by the project is consistent with standards contained in the General Plan and the Zoning Ordinance. The project complies with the County Subdivision Ordinance's maximum 4:1 length to width ratio for parcel configuration.

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 project and have not objected to the proposal.

7. **Finding:** The design of a subdivision for which a tentative map is required pursuant to Section 66426 (Subdivision Map Act) shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision. (66473.1 Gov. Code)

**Evidence:** The design of the division allows futures structures to be orientated in an east-west alignment for southern exposure which increases the opportunity for natural heating and cooling. The design will also allow future owners to take advantage of existing trees for shade.

***EXHIBIT 2***  
***CONDITIONS OF APPROVAL***  
***FOR***  
***LDA 2006-72***

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

<b>Sign-Off Checklist for List of Conditions of Approval and Mitigation Measures</b>		
	<b>Monitoring Dept.</b>	<b>Verified Implemented</b>
<b>CONDITIONS OF APPROVAL / PUBLIC WORKS DEPARTMENT</b>		
1. The easement from Darrah Road located along the common property boundary of Parcels A and C north to Parcel B shall be made 60 foot wide and non-exclusive. The easement shall be designated for access for the use and benefit of the subject parcels. Additional easement width may be required to encompass the required road improvements, including turnouts and associated	Public Works	

<p>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 final map that the dedication is for public utility purposes only. Prior to map recordation, the location and width of the easements shall be approved by the County Engineer</p> <p>(Section 16.12.160.B, County Subdivision Ordinance; Section II.A.3, Road Improvement and Circulation Policy).</p>		
<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 final 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>(Section 16.12.150, County Subdivision Ordinance; Section II.A.3, Road Improvement and Circulation Policy).</p> <p>The Planning Commission recommends that the Public Works Director accept the offer of dedication for public access, maintenance and utilities for Darrah Road.</p>	<p>Public Works</p>	
<p>3. The easement road from Darrah Road to Parcel B shall be improved to a Rural Class I SRA "A" standard and shall meet this standard at the time of final 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 prior to the recordation of the final map. The County Engineer may require engineered improvement plans prepared by a Registered Civil Engineer for any improvements required as a condition of approval for this project. If engineered improvement plans are required, the plans shall be approved by the County Engineer prior to commencement of construction work on the required road improvements</p> <p>(Section 16.12.170, County Subdivision Ordinance; Chart A and</p>	<p>Public Works</p>	

<p>Section II.D.2.a, Road Improvement and Circulation Policy).</p>		
<p>4. A cul-de-sac shall be constructed at the terminus of the on-site easement road. The cul-de-sac shall be improved to meet county standards and shall meet this standard at the time of final 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 approved and inspected by the County Engineer prior to recordation of the final 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 final map, the County Surveyor shall confirm that this condition has been met.</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 Darrah 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 (Chapter 11, County Improvement Standards).</p>	<p>Public Works</p>	
<p>6. Access to all parcels shall be limited to the onsite easement road; No further encroachment permits to Darrah Road for these parcels will be granted. A declaration shall be recorded with the final map, referenced on the final map and made appurtenant to Parcels A,B, and C. The declaration shall state the following:</p> <p>“Approved access for residential development of Parcels A, B, and C as shown on the Final Map for _____, recorded as Record of Survey No. _____, Mariposa County Records is from</p>	<p>Public Works</p>	

<p>the onsite easement road.”</p> <p>The County Engineer will confirm that this condition has been complied with prior to map recordation.</p> <p>Department of 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 and prior to issuance of any encroachment permit for the required improvements, a consultation meeting with the Public Works Department, CDF, the applicant, the agent, and the 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>Department of 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). The applicant shall also contact the NRCS/RCD for an inspection. Inspection fees shall be the responsibility of the applicants. 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</p>	



<p>Department of Public Works Recommendation</p>		
<p>9. 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>Department of Public Works Recommendation</p>	<p>Public Works</p>	
<p>10. A road maintenance association shall be formed to provide for the maintenance of the easement road. Maintenance shall include, but not be limited to, drainage and erosion control devices, fuel modification, and upkeep of road surfaces. The Road Maintenance Association provisions shall be developed by the applicant so those parcels served by the easement roads shall be responsible for road maintenance. These provisions shall be reviewed and approved by the County Engineer prior to recordation of the final map and shall:</p> <p>a. Be in effect for the life of the subdivision 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>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</p>	<p>Public Works</p>	

<p>association.</p> <p>Public Works Department Recommendation; Section II.I.3, Road Improvement and Circulation Policy)</p>		
<p>11. 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 Department Recommendation; Section II.5.D, Mariposa Improvement Standards</p>	<p>Public Works</p>	
<p>12. A road name sign for the on-site easement road shall be placed at the intersection of the easement road and Darrah 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>(Section 16.12.175, County Subdivision Ordinance).</p>	<p>Public Works</p>	
<p>13. A stop sign shall be placed at the intersection of the easement road and Darrah Road. The design and placement of signs shall be approved by the County engineer prior to installation.</p> <p>Public Works Department Recommendation; Section II.5.D, Mariposa Improvement Standards</p>	<p>Public Works</p>	

<p>14. A sign stating "THIS ROAD IS NOT COUNTY MAINTAINED" shall be installed at the intersection of the easement road and Darrah 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>15. A declaration shall be recorded with the final map and referenced on the final map. The declaration shall state the following:</p> <p>“All residential buildings, including mobile homes placed on foundations shall be constructed in compliance with the special foundation requirements stated in the Preliminary Soils Investigation Report prepared for the Smith Subdivision 2006-72 and on file with the County Planning Department. A building permit shall not be issued for residences placed on foundations unless the foundations meet the foundation requirements and site preparation requirements contained in the Soils Investigation prepared for the subdivision. The requirements must be incorporated in the building plan and permit.”</p>	<p>Public Works</p>	
<p>16. This division is being processed as a Major Subdivision and will be completed with the recordation of a Final Map by the County Surveyor.</p>	<p>Mariposa Planning</p>	
<p>CONDITION OF APPROVAL / MARIPOSA PLANNING</p>		
<p>17. The onsite easement road shall be named in accordance with the criteria of County Resolution No. 92-541. A Road Name Request application shall be submitted to the Planning Department and be approved by the Planning Director. The name of the road shall be shown on the final map</p> <p>(County Resolution No. 92-541).</p>	<p>Mariposa Planning</p>	

<p>18. <b>OPTIONAL:</b> Prior to recordation of the final 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 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>Mariposa Planning</p>	
<p>19. 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</p>	<p>Mariposa Planning</p>	

<p>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>§16.36.030, Mariposa County Subdivision Code</p>		
--	--	--

**CONDITION OF APPROVAL / HEALTH DEPARTMENT**

<p>20. Prior to the sale or close of escrow, whichever comes first, of each lot in the subdivision, proof of water shall be provided on that lot. Proof of water shall be considered to be a well or wells of proven capacity. Proven capacity shall be a well or wells capable of producing one thousand gallons per lot per twelve-hour day for each lot. Proof of production shall include an approved pump test of the well or wells certified by a licensed engineer, hydrogeologist, well driller with a C-57 license, or licensed well pump contractor which shall minimally be a well of 10 gallons per minutes (gpm) or more: 3 hours duration; a well of 5 gpm to less than 10 gpm: 24 hours duration; a well of less than 5 gpm: 3 days duration. Additionally, a report of a completed well shall include a general mineral, physical and inorganic analysis as required under California Code of Regulations, Title 22, for non-transient, non-community water systems and an analysis for coliform bacteria.</p> <p>A statement shall be recorded in Official Records concurrently with the final map and referenced on the final map and made appurtenant to all parcels:</p> <p>“Prior to the sale or close of escrow, whichever comes first, a well</p>	<p style="text-align: center;">Mariposa Health Department</p>	
--	---	--

<p>of proven capacity shall be provided on each parcel. Proven capacity shall be a well or wells capable of producing one thousand gallons per lot per twelve-hour day for each lot. Proof of production shall include an approved pump test of the well or wells certified by a licensed engineer, hydrogeologist, well driller with a C-57 license, or licensed well pump contractor which shall minimally be a well of 10 gallons per minutes (gpm) or more: 3 hours duration; a well of 5 gpm to less than 10 gpm: 24 hours duration; a well of less than 5 gpm: 3 days duration. Additionally, a report of a completed well shall include a general mineral, physical and inorganic analysis as required under California Code of Regulations, Title 22, for non-transient, non-community water systems and an analysis for coliform bacteria.”</p> <p>(Planning Department Recommendation)</p>		
<p>21. Percolation tests and soils analysis tests shall be performed on Parcels A and C in accordance with Health Department rules and regulations. 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 final 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 parcels. A statement shall be recorded in Official Records concurrently with the final map and referenced on the final map and made appurtenant to Parcels A and C as follows:</p> <p>“Approved percolation tests and soils analysis tests have been performed on Parcels ___ as shown on the Final Map for _____, recorded as Record of Survey No. ____, 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>Mariposa                  Health                  Department</p>	

<p>(Section 16.12.330, County Subdivision Ordinance; Health Department Recommendation)</p>		
<p>22. Soil profile holes shall be excavated on Parcel B to the standards of the County Health Department and in the presence of the County Registered Environmental Health Specialist (R.E.H.S.), his authorized representative, or an authorized consultant to verify the feasibility of installing an on-site septic system on the parcel. If the County Registered Environmental Health Specialist approves the parcel for septic disposal based on the soil profile holes, a letter from the County R.E.H.S. stating no additional tests are required and this condition has been fulfilled for that parcel shall be submitted to the County Surveyor.</p> <p>If the results of the soil profile holes do not demonstrate to the approval of the County R.E.H.S. that a conventional septic system can be installed on the parcel, percolation tests and additional soils analysis tests shall be performed on the parcel in accordance with Health Department rules and regulations. 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 final 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. A statement shall be recorded in Official Records concurrently with the final map and referenced on the parcel map as follows and made appurtenant to Parcel B as follows:</p> <p>"Approved percolation tests and soils analysis tests have been performed on Parcel B as shown on the Final Map for _____, recorded as Record of Survey No. _____, 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 the parcel that has not had approved percolation tests, additional percolation tests and design recommendations may be required."</p>	<p>Mariposa Health Department</p>	

<p>(Section 16.12.330, County Subdivision Ordinance; Health Department Recommendation)</p>		
--	--	--

**CONDITION OF APPROVAL / CALIFORNIA DEPARTMENT OF FOREST AND FIRE PROTECTION**

<p>23. Prior to Final Map recordation, the applicant shall have complied with all applicable SRA Fire Safe Regulations. A document shall be recorded with the final map, referenced on the final map and made appurtenant to Parcel A,B, and C. The declaration shall state the following:</p> <p>“Future residential development on Parcels A, B, and C as shown on the Final Map for _____, recorded as Record of Survey No. _____, Mariposa County Records 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 Forest and Fire Protection</p>	
--	--	--



<b>Agency Contact List</b>				
AGENCY	CONTACT	PHONE NUMBER	SITE ADDRESS	MAILING ADDRESS
		EMAIL		
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 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.