STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution
No. 2005-40

A resolution conditionally approving Major Subdivision
Application No. 2005-109, Rodney and Kathleen Strahm,
applicant. Assessor Parcel Number 013-010-061.

WHEREAS an application for a major subdivision was received on June 14, 2005 from
Rodney Strahm for a property located at an unassigned address on Spriggs Lane in
the Town of Mariposa, approximately 350 feet southeast of the intersection of Spriggs
Lane and Terrace View Lane, also known as Assessor Parcel Number 013-010-061; 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 4th day of November, 2005; and

WHEREAS the Planning Department evaluated the project together with the
Environmental Impact Report prepared for the Mariposa Town Planning Area Specific
Plan; and

WHEREAS that Environmental Impact Report included a series of mitigation measures to
be included in the Specific Plan as requirements for further land division development
in the Mariposa Town Planning Area; and

WHEREAS the project was designed to comply with those standards; and

WHEREAS Section 15182 of the California Environmental Quality Act Guidelines allows a
Notice of Exemption to be filed for residential projects designed in conformity with an
adopted specific plan and the EIR adopted for that specific plan; and

WHEREAS a Staff Report was 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,

NOW THEREFORE, BE IT RESOLVED THAT the Planning Commission of the County of
Mariposa does hereby approve a Notice of Exemption; and
BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby approve Major Subdivision Application No. 2005-109; and

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 Ross, seconded by Commissioner Ludington, this resolution is duly passed and adopted this November 4, 2005 by the following vote:

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

NOES: None

EXCUSED: None

ABSTAIN: None

[Signature]
Robert L. Rudzik, Chair
Mariposa County Planning Commission

Attest:

[Signature]
Tracy Gauthier, Secretary to the
Mariposa County Planning Commission
Exhibit 1—Findings for Approval
Major Subdivision Application No. 2005-109 for Strahm

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

EVIDENCE: Based on the site inspection, the proposed engineered site plan and the proposed tentative parcel map dividing the existing parcel into seven parcels that are all a minimum of 9,000 square feet net in size, the site is physically suited for medium-density homes and appurtenant improvements provided that the conditions of approval regarding the access roads are met. The proposed project is located within the Single Family Residential 9,000 s.f. land use and zoning classification. The subdivision density is designed in accordance with the Single Family Residential 9,000 s.f. 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 impacts of this project have already been evaluated according to the California Environmental Quality Act Guidelines, by the certification of the Final EIR for the Mariposa Town Planning Area Specific Plan (see finding No. 3). This project complies with the Special Subdivision Standards for the Mariposa TPA Specific Plan, which ensures that the potential impacts of the subdivision are mitigated.

3. FINDING: Pursuant to Section 15182 of the California Environmental Quality Act (CEQA) Guidelines and Section 65457 of the California Government Code, the project is exempt from the requirements of CEQA.

EVIDENCE: As documented by the staff report, the project is consistent with the Mariposa Town Planning Area Specific Plan, for which an EIR has been certified. Substantial changes have not occurred with respect to the circumstances under which the EIR was certified. There is no new information which demonstrates the project will result in significant adverse environmental impacts not discussed in the EIR or significant impacts which are substantially more severe than discussed in the EIR.

4. 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 medium-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 connect to MPUD systems in accordance with MPUD regulations for water 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.

5. **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 Mariposa Town Planning Area Specific Plan covers the subject property; the project map is consistent with the density allowed by the specific plan.

6. **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, the Specific 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 design is consistent with the requirements of the Mariposa Town Planning Area Specific Plan, including the Special Subdivision Standards for the TPA (Ordinance No. 823)

7. **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  
Major Subdivision Application No. 2005-109 for Strahm

Project Name: Rod and Kathleen Strahm  
2005-109

File Number: Major Sub No. 2005-109

Project Approval Date: November 4, 2005

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.

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

<table>
<thead>
<tr>
<th>CONDITIONS OF APPROVAL / PUBLIC WORKS DEPARTMENT</th>
<th>Monitoring Dept.</th>
<th>Verified Implemented</th>
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<tbody>
<tr>
<td>1. The proposed access and utility easement from Spriggs Lane to Lots 1 and 7 shall be made 50 feet wide and non-exclusive. If a cul-de-sac is required, a cul-de-sac easement with a radius of 60 feet shall be provided at the end of the onsite easement road 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. 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 final map that the dedications are for &quot;public road and utility purposes&quot;.</td>
<td>Public Works</td>
<td></td>
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<td>§16.20.130, County Subdivision Ordinance; Road Standard Cross-sections, Road Improvement and Circulation Policy.</td>
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<td>2. Ten (10)-foot public utility and slope easements adjacent to and on each side of the easement from Spriggs Lane to Lots 1 and 7 within the project site shall be offered for dedication to the County of Mariposa. The offer of dedication shall be non-revocable and shall specifically state that the dedication is for public utility purposes only.</td>
<td>Public Works</td>
<td></td>
</tr>
</tbody>
</table>
3. The road within the easement from Spriggs Lane to Lots 1 and 7 shall be improved to a Town Class II standard with a parking lane and 4 foot wide sidewalk along one side, and shall meet this standard at the time of final map recordation. Spriggs Lane from the on-site access easement to Smith Road shall be improved to a Town Class III standard with a 4 foot wide sidewalk along one side, and shall meet this standard at the time of final map recordation. Additionally, the encroachment at Spriggs Lane and Smith Road shall meet county standards. An encroachment permit shall be obtained prior to any work being conducted within the Smith Road right of way. All work on Spriggs Lane shall be as approved by the County Engineer, in accordance with the County Improvement Standards and the Road Improvement and Circulation Policy.

Frontage improvements along Spriggs Lane, for the Town Class III standard, including a 4 foot wide sidewalk along one side, shall be installed and shall meet this standard at the time of final map recordation.

All of 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 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.

§16.12.170, County Subdivision Ordinance; Road Improvement and Circulation Policy.

4. A cul-de-sac shall be constructed at the terminus of the on-site easement road, located on Lots 1 and 7. The cul-de-sac shall be improved to meet county standards and shall meet these standards 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 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 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.

Section 11.4(B)(9) County Improvement Standards
5. Access to Lots 3 and 4 shall be limited to the proposed onsite easement. A declaration shall be recorded with the final map, referenced on the final map and made appurtenant to Lots 3 and 4. The declaration shall state the following:

"Approved access for residential development of Lot 3 and Lot 4 as shown on the Final Map for Strahm, recorded as Record of Survey No. ___, Mariposa County Records is from (insert approved road name)."

As an alternative to the declaration, the applicant may create 1 foot wide access control strips along the project site’s frontage to Spriggs Lane, outside of the proposed access and utility easements.

The County Engineer will confirm that this condition has been met prior to map recordation.

**Public Works Recommendation**

6. A road maintenance association shall be formed to provide for the maintenance of the road in the onsite easement and Spriggs Lane. Alternatively, the applicant may join any existing road maintenance association that covers Spriggs Lane. 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:

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.

b. Provide for annual maintenance and the immediate correction of emergency and hazard situations.

c. Include 100% of the lots in the subdivision served by the access roads.

d. Provide a mechanism for the road maintenance association to collect delinquent payments or assessments for the maintenance described above by filing a lien on the delinquent properties with the power of sale.

e. Provide a mechanism for new parcels to be added to the association.

**Public Works Recommendation**
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 a representative of the Public Works Department, a representative of CDF, a representative of MPUD, 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 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.

Public Works Recommendation

8. 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, the applicant shall contact the Regional Water Quality Control Board to determine if a General Permit for Discharges of Storm Water Associated with Construction Activity is required. If required, the applicant shall obtain the permit prior to commencement of construction activities. A copy of the approved permit or evidence that a permit is not required shall be submitted to the Public Works Department by the applicant prior to the onsite consultation meeting required by Condition of Approval No. 6. If a permit is required, all provisions and requirements of the permit shall be completed prior to recordation of the final map. The applicant shall submit to the Public Works Department evidence that the permit requirements have been met to the satisfaction of the RWQCB.

State Water Quality Control Board Order No. 99-08-DWQ, National Pollutant Discharge Elimination System (NPDES)

9. 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 or Public Works Department for an inspection. Inspection fees shall be the responsibility of the application. A letter shall be submitted to the County Surveyor by NRCS/RCD or the Public Works Department stating that the re-vegetation and erosion control provisions have been completed.

10. All cut and fill areas required for the construction of the
proposed access road, outside of the designated road easement, shall be included within slope easements and shall be delineated as such on the final map. The location, width, and description of the easements shall be approved by the County Engineer.

11. Prior to recordation of the final map, the necessary infrastructure to provide electric, telephone, and cable television services (e.g. utility conduits) shall be installed to each lot in accordance with the specifications and requirements of the utility company. If the cable television service provider does not wish to install infrastructure at this time, a letter from the service provider shall be submitted to the County Engineer stating they do not wish their infrastructure to be installed by the applicant prior to recordation of the final map. The infrastructure shall be installed underground from the nearest overhead line and shall be coordinated with road improvement construction. Construction work associated with utility improvements within road easements shall not commence until utility lay-out plans provided by the affected utility companies are submitted to the County Engineer and road improvement plans are approved by the County Engineer. Utility easements shall be established for all utility improvements located outside road easements.

Section 9, County Subdivision Ordinance No. 823

12. Prior to recordation of the final parcel map, a street light shall be installed at the intersection of the onsite easement road and Spriggs Lane. Location and installation of the street lighting shall be in accordance with the Mariposa County Improvement Standards and shall be approved by the County Engineer. The street light shall be a hooded fixture, which directs light downward.

Section 9, County Ordinance 823

13. 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.

Public Works Recommendation

14. A stop sign shall be placed onsite at the intersection of the onsite easement road and Spriggs Lane. The stop signs 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.

Public Works Recommendation

15. If the easement road is accepted by the County for public access but not for public maintenance, a sign stating "THIS ROAD IS NOT COUNTY MAINTAINED" shall be installed onsite at the intersection of the onsite easement and Spriggs...
Lane 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.

(Section III.A.4, Road Improvement and Circulation Policy)

16. A road name sign for the onsite easement road shall be placed at the intersection of the easement road and Spriggs Lane 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.

§16.12.175, County Subdivision Ordinance

17. A declaration or covenant of non-protest for road maintenance of the onsite easement road and/or Spriggs Lane shall be recorded concurrently with the final map and shall be referenced on the final map. The declaration or covenant shall be made appurtenant to each lot and shall state that the owner or future owners of the lots 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 on-site easement road and/or Spriggs Lane. The declaration or covenant shall be approved by the Public Works Director prior to recordation.

18. 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.

§16.12.395, Mariposa County Subdivision Code

19. Prior to recordation of the final map, evidence that the State Department of Real Estate Public Report process has been commenced shall be submitted to the County Surveyor. Completion of the public report process is not necessary for map recordation, but is necessary prior to lot sale.

20. A final Soils Report shall be submitted to the County Planning Department as required by Mariposa County Code Subdivision Ordinance, Title 16 §16.20.220 and applicable requirements of the Subdivision Map Act. The Soils Report shall be reviewed and approved by the County Engineer prior to final map recordation.

CONDITION OF APPROVAL / MARIPOSA PLANNING

21. The onsite easement road shall be named in accordance with the criteria of County Resolution No. 92-541. A Road Name Request application for the onsite easement road shall be submitted to the Planning Department and be approved by the Planning Director. The name of the road within the project site shall be shown on the final map.
County Resolution 92-541

22. Project approval is valid for a period of three years from November 4, 2005. This approval shall expire on November 4, 2008.

§16.12.430, Mariposa County Subdivision Code

23. Prior to recordation of the final map for this project, the applicant shall remove the junk located on the project site to an appropriately permitted disposal facility. After the junk has been removed from the project site, the applicant shall contact Planning for an inspection. Planning shall provide a written statement to the County Surveyor stating that this requirement has been met.

24. 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 County Clerk fee of $25 for the Notice of Exemption 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).

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.

§16.12.390, Mariposa County Subdivision Code

25. The Property Owner (Owner) shall indemnify, protect, defend, and hold harmless the County, and any agency or instrumentality thereof, and officers, officials, employees, or agents thereof, from any and all claims, actions, suits, proceedings, or judgments against the County, or any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof to attack, set aside, void, or annul, any approval of the County, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the County, concerning the project and the approvals granted herein. Actions concerning the project and approvals granted shall include, but not be limited to, the environmental determination made pursuant to the California Environmental Quality Act (CEQA). Furthermore, Owner shall indemnify, protect, defend, and hold harmless the County, or any agency or instrumentality thereof, against any and all claims, actions, suits, proceedings, or judgments against another governmental entity in which Owner’s project is subject to that other governmental entity’s approval and a condition of such approval is that the County indemnify and defend such governmental entity. County shall promptly notify the Owner of
any claim, action, or proceeding. County will further cooperate in the defense of the action.

An agreement on a form approved by Mariposa County Counsel shall be executed within twenty (20) working days of the date of project action. Non-compliance with this condition may result in revocation of project approval by the county.

26. A declaration shall be recorded with the final map and shall be referenced on the final map. The declaration shall state the following:

"All residential buildings and residential development of the lots as shown on the Final Map for Strahm, recorded as Record of Survey No. ___, Mariposa County Records, including mobile homes placed on foundations, shall be constructed in compliance with the special foundation requirement stated in the Soils Investigation Report prepared for the subdivision and on file in the County Planning Department. A building permit shall not be issued for residences placed on foundations unless the foundations meet the foundation requirements contained in the Soils Investigation prepared for the subdivision. The foundation requirements must be incorporated into the building plan and permit."

Planning Department Recommendation

27. Prior to recordation of the final map for this project, stepped foundations shall be constructed on Lots 1, 2, and 3. The foundations shall be designed and constructed in accordance with the Uniform Building Code and the approved supplemental engineering plan submitted with the Tentative Map. A permit shall be obtained for each foundation from the Mariposa County Building Department, and Building shall review and approve each foundation plan prior to construction. The Building Department shall notify the Planning Department when this condition has been met; Planning shall inspect the site and provide a written statement to the County Surveyor stating that this condition has been met.

OR

A declaration shall be recorded concurrently with the map and referenced on the map as follows:

"Approved engineered site plans are available for Lots 1, 2, and 3 as shown on the Final Map for Strahm, recorded as Record of Survey No. ___, Mariposa County Records. These plans are at the Mariposa Planning Department. Stepped foundation design is required for these parcels."
28. Prior to any construction occurring onsite, a tree preservation and replacement plan shall be prepared by the applicant and approved by the Planning Director. The plan shall include but not be limited to the following:

a. Identification of all mature native trees on site.

b. Identification of mature native trees to be removed by road and utility construction and projected building construction.

c. Program for the replacement and maintenance of removed native trees until the replacement trees are established.

If mature trees are to be removed, they shall be replaced at a ratio of four (4) trees for every one removed. Earthwork shall not commence on the project site until the plan is approved by the Planning Director. All requirements of the Tree Preservation and Replacement Plan shall be met prior to recordation of the final map.

**Section 10, County Ordinance 823; Planning Department Recommendation**

29. The minimum parcel size of each lot shall be 9,000 square feet net, exclusive of easements. The County Surveyor shall ensure this condition is met prior to recordation of the final map. Lots may be merged in order to ensure minimum parcel size is met.

**Planning Department Recommendation**

30. A declaration shall be recorded concurrently with the final map for this project, referenced on the final map, and made appurtenant to Lots 1, 2, and 3 as follows:

"All residential buildings and residential development of Lots 1, 2, and 3 as shown on the Final Map for Strahm, recorded as Record of Survey No. ___, Mariposa County Records, including mobile homes placed on foundations, shall be constructed in compliance with the hillside development standards contained in §17.336.040 of the Mariposa County Zoning Code."

**CONDITIONS OF APPROVAL/ MARIPOSA PUBLIC UTILITY DISTRICT**

31. Prior to recordation of the final map, water and sewer infrastructure (off-site and on-site) shall be installed to each parcel in accordance with Mariposa Public Utility District (MPUD) specifications and requirements. In addition, fire hydrants shall be installed within the subdivision in accordance with MPUD specifications and requirements. The installation of the required MPUD improvements within the road easements shall not commence until road improvement plans are approved by the County Engineer. Utility easements shall be established for all MPUD improvements located outside the road easements. Sections 6 and 7 County Ordinance 823
32. Prior to recordation of the final map, the unpaid portion of the Saxon Creek Assessment District 94-1 assessments shall be paid in full for Lots 1 through 7. Additionally, the additional benefit assessment must be paid in full or apportioned to each lot before recordation of the final map. As an alternative, a document acceptable to Mariposa Public Utility District Bond Counsel must be prepared and recorded to continue the lien and additional benefit assessment on the amended lots. Costs for preparation of the document, including possible engineering, shall be the responsibility of the property owner.

Mariposa Public Utility District Requirement

<table>
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<tr>
<th>CONDITIONS OF APPROVAL/ CALIFORNIA DEPARTMENT OF FORESTRY &amp; FIRE PROTECTION</th>
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<tr>
<td>33. Prior to recordation of the final 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.</td>
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<th>RECOMMENDATION ON OFFERS OF DEDICATION</th>
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<td>Staff recommends that the Planning Commission recommend that the Public Works Director accept the offer of dedication for public access and utilities, but reject the offer for public maintenance of the onsite easement road.</td>
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Mariposa Planning Recommendation