

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

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution
No. 2005-41

A resolution conditionally approving Land Division No. 2005-94 Gary & Carol Cooksey, applicant. Assessor Parcel Number 021-320-005.

WHEREAS an application for Land Division No. 2005-94 was received on May 11, 2005 from Gary & Carol Cooksey for a property located at 10436 Jalapa Way, La Grange, also known as Assessor Parcel Number 021-320-005; and

WHEREAS this land division proposes to a 15.68 acre parcel into 2 parcels. Parcel A is 10.38 acres, Parcel B is 5.3 acres. Subject property is zoned Rural Residential which has a minimum parcel size of 5 acres if the septic system is developed on site. Parcel A is developed with a residence, appurtenant structures, and septic. There is an existing shed on Parcel B and an approved on-site septic disposal system permit on file at the health department. The applicants are proposing residential development within the standards established by the Mariposa County General Plan. All future development on the parcels will utilize onsite septic systems; water is available from the Lake Don Pedro Community Service District; 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 November 18, 2005; and

WHEREAS the Planning Department prepared environmental documents in accordance with the California Environmental Quality Act and local administrative procedures; and

WHEREAS the Planning Commission did find that the project is exempt under section 15315 of the CEQA guidelines from the review procedures established by the California Environmental Quality Act; and

WHEREAS a Staff Report was prepared pursuant to the California Government Code, Mariposa County Code, 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 Land Division No. 2005-94; 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.

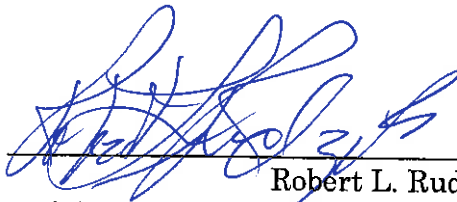
ON MOTION BY Commissioner Skyrud, seconded by Commissioner Ross, this resolution is duly passed and adopted this To be determined by the following vote:

AYES: Commissioners Skyrud, Ross, Ludington, De Santis, Rudzik

NOES: None

EXCUSED: None

ABSTAIN: None



Robert L. Rudzik, Chair
Mariposa County Planning Commission

Attest:



Tracy Gauthier, Secretary to the
Mariposa County Planning Commission

EXHIBIT 1
PROJECT FINDINGS
FOR
LAND DIVISION APPLICATION #2005-94

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 two parcels that are five acres or greater, the site is physically suited for low-density homes and appurtenant improvements such as septic systems. The proposed project is located within the Rural Residential zone. The subdivision density is designed in accordance with the Rural Residential 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; an environmental review was conducted for the previous land division which created the parent parcel, and no mitigation was proposed for the subject parcel. Additionally, Parcel A is already developed with septic and Parcel B has an approved septic system permit, no road improvement to the offsite easement road is required, and water is provided by a community water system.

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 parcels are served by community water. The proper location and implementation of these improvements will ensure that serious health problems will not occur on the site.

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

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

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

EVIDENCE: The 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. Staff recommends that the Planning Commission waive the access improvement regulation of the Subdivision Ordinance 16.12.170 as the easement road only provides access to residence on Parcel A and the adjacent parcel is already developed with driveway access from Jalapa Way.

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.

EXHIBIT 2
CONDITIONS OF APPROVAL AND MITIGATION MEASURES
FOR
LAND DIVISION APPLICATION #2005-94

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 Conditions for LDA No. 2005-94

Project Name: Gary and Carol Cooksey **File Number:** LDA No. 2005-94

Project Approval Date: November 18, 2005

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.

Sign-Off Checklist for List of Conditions of Approval and Mitigation Measures		
	Monitoring Dept.	Verified Implemented
CONDITIONS OF APPROVAL / PUBLIC WORKS DEPARTMENT		
1. The cul-de-sac easement shall be made 60 feet in radius and non-exclusive and shall be provided to encompass the required cul-de-sac improvements. Additional easement width may be required to encompass the required 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	Public Works	

<p>and specifically state on the parcel map that the dedications are for "public road and utility purposes." (Section 16.12.160.B, County Subdivision Ordinance; Road 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>2. Immediately upon completion of the required road and encroachment improvements, the applicant shall re-vegetate all exposed soils and install other erosion control as recommended by the Natural Resource Conservation Service/Resource Conservation District (NRCS/RCD) or Public Works. The applicant shall also contact the NRCS/RCD or Public Works 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 Public Works stating that the re-vegetation and erosion control provisions have been completed.</p>	Public Works	
<p>3. The applicant shall join existing road maintenance association created by Parcel Map 28-18 that covers the offsite easement road and modify the existing road maintenance association as necessary. However, if the existing road maintenance association is no longer functioning or doesn't minimally provide for the maintenance activities described by this condition, a new road maintenance association shall be formed to provide for the maintenance of the road in the adjacent offsite easement. Maintenance shall include, but not be limited to, drainage and erosion control devices, fuel modification, and upkeep of road surfaces. If creating a new 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</p>	Public Works	

<p>prior to recordation of the final map and shall:</p> <ul style="list-style-type: none"> 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. 		
<p>4. A declaration or covenant of non-protest for road maintenance of the easement 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>	<p>Public Works</p>	
<p>5. 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>Public Works</p>	

CONDITION OF APPROVAL / MARIPOSA PLANNING		
<p>6. Project approval is valid for a period of three years from November 18, 2005. This approval shall expire on November 18, 2008.</p> <p>§16.12.430, Mariposa County Subdivision Code</p>	<p>Mariposa Planning</p>	
<p>7. 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 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).</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>8. 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,</p>	<p>Mariposa Planning</p>	

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.

§16.36.030, Mariposa County Subdivision Code

CONDITION OF APPROVAL / CALIFORNIA DEPARTMENT OF FOREST AND FIRE PROTECTION		
<p>9. The off-site access easement from Jalapa Way to Parcel A boundary line shall be improved to the minimum of a CDF Driveway standard prior to the recordation of the parcel map. A letter from CDF stating that this condition has been met shall be provided to the County Surveyor prior to the recordation of the Parcel Map.</p>	<p>CALIFORNIA DEPARTMENT OF FOREST AND FIRE PROTECTION</p>	
<p>10. A cul-de-sac or approved alternative turnaround such as a loop driveway or hammerhead T turnaround shall be constructed at the end of the easement road at the Parcel A boundary line. The turnaround shall be the same surface as the roadway and be constructed with a minimum effective turning radii of no less than 40 feet. A letter from CDF stating that this condition has been met shall be provided to the County Surveyor prior to the recordation of the Parcel Map.</p>	<p>CALIFORNIA DEPARTMENT OF FOREST AND FIRE PROTECTION</p>	

<p>11. 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 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>	
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Agency Contact List				
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	Dennis Townsend	209-966-3622	5366 Highway 49 North Mariposa CA 95338	Same as site

Certificate of Completion:

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

Environmental Coordinator

Date

Explanation of Headings:

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

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