

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

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution
No. 2004-6

A resolution conditionally approving Land Division Application #2003-287, Maury and Ruth Crawford, applicants. Assessor Parcel Number 017-440-034.

PC Res. No. 2004-6; LDA No. 2003-287, Maury and Ruth Crawford; Planner: Megan Fennermann

WHEREAS an application for land division was received on December 22, 2003 from Maury and Ruth Crawford, for the division of an 18.46 acre property into two parcels of 7.00 acres (Parcel A) and 11.46 acres (Parcel B), with all existing improvements located on Parcel B. The project is located at 4111 Ben Hur Road, on the west side of Ben Hur Road, also known as Assessor's Parcel Number (APN: 017-440-034).

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 5th day of March, 2004; 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 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;

BE IT THEREFORE 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 2003-287; and

BE IT THEREFORE FURTHER RESOLVED THAT the approved project is subject to the following conditions and mitigation measures as approved at the Public Hearing along with the recommendation on the offers of dedication:

1. A dedication of 35 feet from the centerline of Ben Hur 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 utility purposes." The location and width of the offer of dedication shall be approved by the County Engineer (Section 16.12.150, County Subdivision Ordinance; Section II.A.3, Road Improvement and Circulation Policy).
2. Verification of taxes paid shall be submitted to the County Surveyor prior to the Parcel Map Recordation.
3. 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.).

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 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.

4. A drainage easement shall be established and shown on the Parcel map for Mariposa Creek. The width of the easement for Mariposa Creek shall be 100 feet from the centerline on each side of the river, or 50 feet from the bank, whichever provides at least 50 feet of easement from the bank to protect native plants and amphibians and allow deer movement. A statement shall be recorded in Official Records concurrently with the parcel map and referenced on the parcel map as follows:

"No structure shall be constructed within the open space easement. No portions of a sewage disposal system shall be constructed within the open space easement. No grading shall be allowed within the easement, except that which is necessary for access to building sites. A well or wells, water pipes, underground and above ground power lines, fencing, and other similar structures or improvements may also be constructed within the open space easement subject to approval by the Planning Director. This easement shall be in perpetuity and shall restrict the use of the land within the easement."

5. 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: "Future residential development shall be required to conform with all applicable *SRA Fire Safe Regulations*." 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 4290. 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.

6. Soil profile holes shall be excavated on Parcel A to the standards of the County Health Department, and in the presence of the County Sanitarian, his authorized representative, or an authorized consultant to verify the feasibility of installing an on-site septic system on the parcels. If the County Sanitarian approves the parcel for septic disposal based on the soil profile holes, a letter from the County Sanitarian stating no additional tests are required and this condition has been fulfilled for that parcel shall be submitted to the County Surveyor.

If the results of the soil profile holes do not demonstrate to the approval of the County Sanitarian 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 Sanitarian prior to recordation of the parcel map. A letter from the County Sanitarian 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 parcel map and referenced on the parcel map as follows:

“Approved percolation tests and soils analysis tests have been performed on Parcels _____ as shown on the Parcel Map for _____, recorded in Book _____ of Parcel Maps at Page _____, Mariposa County Records, to verify the feasibility of installing an on-site septic disposal system. A map identifying the location of the approved 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 approved percolation tests, additional percolation tests and design recommendations may be required.” (Section 16.12.330, County Subdivision Ordinance; Health Department Recommendation)

MITIGATION MEASURES:

1. Driveway access to Parcel A shall be located in the northern portion of said lot as determined by the Department of Public Works in consultation with the California Department of Forestry. Prior to recordation of the Parcel Map, the County Engineer shall confirm that the location of the driveway has been marked on the Parcel Map and that a declaration will be recorded with the Final Map and referenced on the Final Map and made appurtenant to Parcel A. The declaration shall state the following:

“Approved access for residential development of Parcel A shall be from the northern portion of the lot as depicted on Parcel Map for Crawford, Filed <date> in Book <#> of Maps, at Page <#>, Mariposa County Records.”

BE IT THEREFORE FURTHER RESOLVED THAT the project is approved based on the following findings supported by substantial evidence in the public record:

1. Based on site inspection and the size and the number of parcels proposed the site is physically suited for low-density homes and appurtenant improvements such as septic

systems provided that the conditions of approval regarding the septic systems and approved locations are met.

2. The site is physically suited for the density allowed in this zone. The proposed project is located within the Mountain Home zone. The subdivision density is designed in accordance with the Mountain Home zoning.
3. The Initial Study prepared for the project found that it would have a less than significant effect on the environment with the mitigation measures and conditions of approval imposed. 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 CDFG has determined 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 negative declaration as required by AB 3158 and a County Clerk fee of (\$25).
4. This land division and its subsequent use for low-density residential purposes will not 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 wells and sewage disposal systems. The proper implementation of these improvements will ensure that serious health problems will not occur on the site.
5. Upon Completion of the General Plan Zoning Amendment process, the proposed map will be consistent with the Mariposa County General Plan. 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.
6. 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.
7. The project will not conflict with any public easement.

8. This land division application has been processed and reviewed in accordance with standards set forth in the Subdivision Map Act and Title 16, County Subdivision Ordinance. When the required conditions are met, the project will be in compliance with the Subdivision Map Act and the County Subdivision Ordinance.


ON MOTION BY Commissioner Rudzik seconded by Commissioner Skyrud this resolution is duly passed and adopted this 5th day of October by the following vote:

AYES: Crain, Ludington, Rudzik, Skyrud, Turpin

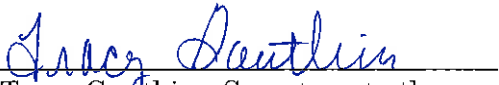
NOES: None

EXCUSED: None

ABSTAIN: None


Susan Taber Crain, Chair
Mariposa County Planning Commission

Attest:


Tracy Gauthier, Secretary to the
Mariposa County Planning Commission