DEPARTMENT: PLANNING  
BY: Roger Evans  
PHONE: 966-5151

RECOMMENDED ACTION AND JUSTIFICATION: Staff recommends that the Board of Supervisors consider all information and take action on the appeal of Planning Commission Condition of Approval No. 2 for Land Division Application No. 1355.

BACKGROUND AND HISTORY OF BOARD ACTIONS: None

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
1. Approve and modify Condition No. 2.
2. Approve appeal and require new conditions.
3. Deny appeal.

COSTS: (x) Not Applicable
A. Budgeted current FY $_______
B. Total anticipated costs $_______
C. Required Add'l funding $_______
D. Source: _______

SOURCE: ( ) 4/5ths Vote Required
A. Internal transfers $_______
B. Unanticipated revenues $_______
C. Reserve for contingency $_______
D. Description: _______
Balance in Reserve for Contingencies, if approved: $_______

SPECIAL INSTRUCTIONS:
List the attachments and number the pages consecutively:
1. Memo
2. Map showing easement
3. Appeal letter with attached:
   - Waiver request
   - Approval Letter
   - Staff Report
4. Planning Commission Minutes

CLERK'S USE ONLY:
Res. No.: 91-12
Ord. No.: _______
Vote - Ayes: _______ Noes: _______
   Absent: _______ Abstained: _______
( ) Approved ( ) Denied (x) Minute Order Attached

The foregoing instrument is a correct copy of the original on file in this office.
Date: _______

ATTEST: MARGIE WILLIAMS
Clerk of the Board of Supervisors
County of Mariposa, State of CA
By: _______

ADMINISTRATIVE OFFICER'S RECOMMENDATION:
This item on agenda as:
☑ Recommended
☐ Not Recommended
☐ For Policy Determination
☐ Submitted with Comment
☐ Returned for Further Action

Comment: _______

A.O. Initials: _______

Action Form Revised 12/39
January 2, 1991

MEMORANDUM

TO: MARIPOSA COUNTY BOARD OF SUPERVISORS

FROM: ROGER EVANS, PLANNER II

SUBJECT: APPEAL OF PLANNING COMMISSION CONDITION OF APPROVAL FOR LAND DIVISION APPLICATION NO. 1355.

BACKGROUND

The applicant requested a waiver to the Subdivision Ordinance requirement for a 60' non-exclusive easement by stating that the existing 40' wide non-exclusive easement would be sufficient for the required road improvements, and that the applicant had previously offered for dedication 25 feet of the existing 40 foot easement. Staff recommended approval of the waiver based upon comments from the Mariposa Public Works Department indicating that a Rural Class II road could be built in the existing 40' wide easement. Since 25 feet of the existing easement was previously offered by the applicant, Staff recommended that the applicant only be responsible for rededicating the 25 feet, and that the additional easement width could be obtained upon subdivision of the adjoining 30 acre parcel. Additionally, staff recommended that the applicant be required to conclusively demonstrate to the County engineer's approval that a Rural Class III road can be built in the potential 50 foot wide easement.

The appellants are appealing Planning Commission Condition of Approval No. 2 for Land Division Application No. 1355, as approved at the public hearing on November 30, 1990. This condition requires the applicant Doris Wooden to provide the additional easement width necessary to make the existing easement a 60' wide non-exclusive easement (See attached Approval letter to applicant). The request for the waiver to the 60 foot wide easement width requirement was denied by the Planning Commission and the conditions of approval recommended by staff were revised to require the applicant to provide a 45' offer of dedication within the project site, or allow the applicant to acquire an offer of dedication from the adjoining property land owner for the additional required easement width.

ATTACHMENTS
1. Letter of Appeal and attached materials (Waiver request, Approval letter, and Staff Report).
2. Map showing easement.
3. Planning Commission minutes.
January 2, 1991

MEMORANDUM

TO:          MARIPOSA COUNTY BOARD OF SUPERVISORS
FROM:        ROGER EVANS, PLANNER II
SUBJECT:     APPEAL OF PLANNING COMMISSION CONDITION OF APPROVAL
             FOR LAND DIVISION APPLICATION NO. 1355.

BACKGROUND

The applicant requested a waiver to the Subdivision Ordinance requirement for a 60' non-exclusive easement by stating that the existing 40' wide non-exclusive easement would be sufficient for the required road improvements, and that the applicant had previously offered for dedication 25 feet of the existing 40 foot easement. Staff recommended approval of the waiver based upon comments from the Mariposa Public Works Department indicating that a Rural Class II road could be built in the existing 40' wide easement. Since 25 feet of the existing easement was previously offered by the applicant, Staff recommended that the applicant only be responsible for rededicating the 25 feet, and that the additional easement width could be obtained upon subdivision of the adjoining 30 acre parcel. Additionally, staff recommended that the applicant be required to conclusively demonstrate to the County engineer's approval that a Rural Class III road can be built in the potential 50 foot wide easement.

The appellants are appealing Planning Commission Condition of Approval No. 2 for Land Division Application No. 1355, as approved at the public hearing on November 30, 1990. This condition requires the applicant Doris Wooden to provide the additional easement width necessary to make the existing easement a 60' wide non-exclusive easement (See attached Approval letter to applicant). The request for the waiver to the 60 foot wide easement width requirement was denied by the Planning Commission and the conditions of approval recommended by staff were revised to require the applicant to provide a 45' offer of dedication within the project site, or allow the applicant to acquire an offer of dedication from the adjoining property land owner for the additional required easement width.

ATTACHMENTS
1. Letter of Appeal and attached materials (Waiver request, Approval letter, and Staff Report).
2. Map showing easement.
3. Planning Commission minutes.
TO: The Mariposa County Board of Supervisors

RE: Appeal of Condition for approval of Land Division Application No. 1355

Appellant: Doris Wooden, Owner—Agent for Owner: Forbes Simpson

The Appellant considers condition 2) of the approval (exhibit A) is unreasonable previously given on the grounds that: 1) She has 25' of the existing 40' width of easement to serve as access for previously approved subdivision. (see exhibit B)
2) The Planning Staff Report with the concurrence of the Road Department Engineering Technition recommends a waiver of additional width on the basis that the required Class II road exists or can be constructed on the existing easement. (see exhibit C)

As the Planning Commission members rarely physically inspect subdivision projects, they rely heavily upon the recommendations of staff and the responses of the County agencies, i.e. Health Dept., Fire Marshal, Road Dept., etc.

In this case during the Planning Commission hearing on November 30, 1990 the Planning Department Staff and the Planning Director both argued in favour of waiver for the easement width.

The Planning Commission thereupon denied the waiver and ordered the 60' easement required under Section 16.12.150 County Subdivision Ordinance Section II.A.3 Road Improvement and Circulation Policy. The justification was not need but simply if it could be taken they wanted it.

Yours truly,

Forbes Simpson, as Agent

Doris Wooden, Owner
TO: THE MARIPOSA COUNTY PLANNING COMMISSION

RE: LDA 1355 (DORIS WOODEN, OWNER) REQUEST FOR WAIVER OF EASEMENT WIDTH REQUIREMENT OF 60' TO EXISTING 40'.

INSPECTION OF THE EXISTING ROADWAY & EASEMENT ON THE EASTERN BOUNDARY OF THE WOODEN PROPERTY REVEAL A GOOD GRAVEL BASE & SURFACE WITH NO EVIDENCE OF SOFT OR MUD-PRONE AREAS THE LENGTH OF THE PROPERTY.

25' OF THE EXISTING 40' WIDTH OF EASEMENT WAS TAKEN FROM THE WOODEN PROPERTY TO ACCESS SUBDIVISION PREVIOUSLY APPROVED BY THE PLANNING COMMISSION.

THE USUAL JUSTIFICATION FOR A 60' EASEMENT IS THAT MUCH OF THE EASEMENT WIDTH IS USED UP IN CUT & FILL SLOPES AT ROADSIDE.

SINCE THE ROAD DOES NOT TRAVERSE ANY SEVERE SLOPES, A 40' EASEMENT WILL ACCOMMODATE A CLASS II ROAD.

FOR FORBES SIMPSON AS AGENT
FOR DORIS WOODEN
December 3, 1990

Doris Wooden
4084 Ben Hur Road
Mariposa, CA, 95338

RE: Land Division Application No. 1355

Dear Mrs. Wooden:

At their meeting of November 30, 1990, the Mariposa County Planning Commission acted to approve your Land Division Application No. 1355 with the following conditions:

1) A dedication of a minimum 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 that the dedication is for "public road and utility purposes". The location and width of the 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) A dedication of 45 feet from the eastern property line shall be offered to the County of Mariposa. The offer of dedication shall be non-revocable and specifically state that the dedication is for "public road and utility purposes". The location and width of the dedication shall be approved by the County Engineer.

OR,

A dedication of 60 feet along the eastern property line shall be offered to the County of Mariposa. The offer of dedication may be located within the project site and the adjacent parcel. That portion of the offer of dedication located outside the project site shall be created in a form and manner approved by the County Surveyor. The offer of dedication shall be non-revocable and specifically state that the dedication is for "public road and utility purposes". The location and width of the dedication shall be approved by the County Engineer.

(Section 16.12.150, County Subdivision Ordinance; Section II.A.3, Road Improvement and Circulation Policy)
3) Percolation tests and soil analysis shall be performed on Parcels A and C. 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 the approved percolation and soil analysis tests have been performed on the parcels. A statement shall be recorded in the Official records concurrently with the parcel map and be referenced on the parcel map as follows:

"Approved percolation and soil analysis tests have been performed on Parcels A and C as shown on the Parcel Map for_______, recorded in Book_______of Parcel Maps at Page______, Mariposa County Records, to verify the feasibility of installing on-site septic disposal systems. A map identifying the locations of the approved percolation and soil analysis 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 and soil analysis test, additional tests and design recommendations may be required."

(Section 16.12.330, County Subdivision Ordinance, Health Department Recommendation)

4) Prior to the recordation of the parcel map, all fees associated with the County's processing of the map shall be paid.

(Planning Department Recommendation)

5) The easement from Ben Hur Road to the northern property line of Parcel C shall be improved to a Rural Class II 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.

(Section 16.12.170, County Subdivision Ordinance; Chart A and Section II.D.2.a, Road Improvement and Circulation Policy)

6) An encroachment permit shall be obtained from the Mariposa Public Works Department prior to any work being done on or adjacent to Ben Hur Road. The applicant shall address the easement encroachment sight distance problem by trimming the brush to the east and west of the easement and by removing or lowering the cut bank to the west. The encroachment work required to correct the sight distance problem shall be approved by the County Engineer. In addition, all grading and road improvement work required as a condition of approval of this project shall comply with the Mariposa County Grading
Ordinance and all requirements contained therein, including obtaining a grading permit. 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.

(Chapter 11, County Improvement Standards; Mitigation Measure)

7) That portion of the barn within the 40' non-exclusive easement shall be shown on the parcel map to the approval of the County Surveyor.

(Planning Department Recommendation; Public Works Department Recommendation)

8) The easement from Ben Hur Road to APNs 17-450-013 and 17-450-016 shall be named in accordance with County Resolution No. 85-304. A Road Name Request application shall be submitted to the Planning Department and approved by the Board of Supervisors. The name of the road within the project site shall be shown on the parcel map.

(County Resolution No. 85-304)

You now have until November 30, 1992 to meet the conditions and record the parcel map.

All actions of the Planning Commission may be appealed to the Board of Supervisors. A copy of the appeals procedure is enclosed for your information.

If you should have any questions, please feel free to contact me.

Sincerely,

Roger D. Evans
Planner II

Enclosure/CRRR

cc: County Surveyor
    County Sanitarian
    County Assessor
    H. Forbes Simpson (Agent)
AGREEMENT TO PROVIDE RIGHTS OF WAY AND IMPROVE ROADS

THIS AGREEMENT made and entered into this 22 day of November, 1974 by and between

Allan S. Quick and Barbara Quick
113 Spring Way
Madera, California 93637
(Hereinafter referred to as "Quick") and

Thomas O. Notttram and Mary A. Notttram
Mariposa, California 95338
(Hereinafter referred to as "Notttram") and

The Mariposa J20 Property Owner's Association
5151 North Palm Avenue
Fresno, California 93704
(Hereinafter referred to as "the Association")

With reference to the following parts:

WHEREAS Quick is holder of record title to that certain parcel of land, together with improvements thereon, situated in the County of Mariposa, State of California, known and described as a tract of land situated in northeast one quarter of Section twelve, Township six south, Range eighteen east, M.D.R.A.M. and acquired by deed recorded in Volume 15A, Page 639, Official Records of Mariposa County, (Hereinafter referred to as "the Quick Property"); and

WHEREAS Quick desired to have the existing road through the Quick Property fenced, improved so as to control dust and realigned along the eastern boundary of the Quick Property, and to have the boundaries of the Quick Property determined by survey; and

WHEREAS Notttram is holder of record title to that certain parcel of land situate in the County of Mariposa, State of California, known and described as the east one half of Section thirteen, Township six south, Range eighteen east, M.D.R.A.M. (Hereinafter referred to as "the Notttram Property"); and

WHEREAS Notttram desires a non-exclusive right of way for road and public utility purposes from Hen Hur Road, a County road, for the use of all or any portion of the Notttram Property; and

WHEREAS the Mariposa 120 Property Owners Association is the true owner of that certain parcel of land situate in the County of Mariposa, State of California, known and described as the southeast one quarter of Section twelve, Township six south, Range eighteen east; Lots one (1) and two (2) in Section seven; Lots one (1) and two (2) of one quarter of Section sixteen, Township six south,
Range nineteen east, M.D.B. & M. and with title vested in Transamerica Title Insurance Company, a Corporation, under a Trust Agreement (hereinafter referred to as "the Association Property"); and

WHEREAS E. Vernon Jordan and Rulon E. Van Wagonen hereby represent themselves as duly authorized agents of the Mariposa J30 Property Owner's Association and are empowered to act on behalf of the Association in the matters contained in this agreement; and

WHEREAS the Association desires that the existing but abandoned old Raymond Road through the Association Property be repaired and improved into reasonably driveable condition; and

WHEREAS the Association desires a nonexclusive right of way for road and public utility purposes from Ben Hur Road, a County Road, for the use of all or any portion of the Association Property; and

WHEREAS some uncertainty exists as to the rights of parties hereto to the use of the existing roads; and

WHEREAS the parties hereto desire to establish with reasonable certainty the rights of the respective parties to the use of existing and realigned roads.

NOW THEREFORE in consideration of the foregoing and in further consideration of the mutual agreements and covenants hereinafter set forth, the parties hereto agree by and between themselves as follows:

1. Mottram agrees within six (6) months of the date hereof, to repair and improve, at their expense, the old Raymond Road, in its entire length, through the Association Property. Such repair and improvement shall render the road driveable by ordinary passenger automobile under any reasonable weather conditions.

2. Mottram and the Association agree within six (6) months of the date hereof, to construct, at their expense, such road as is necessary to realign the existing road through the Quick Property onto a strip of land forty (40) feet wide consisting of the easternmost twenty five (25) feet of the Quick Property and the westernmost fifteen (15) feet of the adjoining Stormberg Property. The entire road after realignment shall be repaired or improved, at the expense of Mottram and the Association so as to render the road driveable by ordinary passenger automobile under any reasonable weather conditions. A minimum of twenty (20) cubic yards of mine tailings shall be spread on the road bed at a location to be determined by Quick. All expenses incurred in compliance with this paragraph shall be shared fifty percent Mottram and fifty percent the Association.

3. The Association agrees, within thirty (30) days of the date hereof, to cause a deed to be granted to Mottram as Grantee conveying a nonexclusive right of way as an appurtenance to the lands of the Grantees or any portion thereof situate in Section thirteen, Township six south, Range eighteen east, M.D.B. & M., for road and public utility

2. Johnson to Quick 1/18 - 6 39

2. Nov 74

151 -391 - 2-3
purposes, over a strip of land sixty (60) feet in width, the center line of which is the center line of the old abandoned Raymond Road lying within the lands of the Grantor, situated in the southwest one quarter of Section twelve, Township six south, Range eighteen east, M.D.A.M.

4. Quick agrees, within thirty (30) days of the date hereof, to convey by deed to Motttram and the Association as Grantee, a non-exclusive right of way as an appurtenance to the lands of the Grantor or any portion thereof situate in Sections twelve and thirteenth of Township six south, Range eighteen east and in Sections eleven and eight of Township six south, Range nineteen east, M.D.A.M., for road and public utility purposes, over the easternmost twenty five (25) feet of the land presently owned by the Grantor situate in the east one half of the northeast one quarter of Section twelve, Township six south, Range eighteen east, M.D.A.M.

5. Motttram and the Association agree to install, within six (6) months of the date hereof, a suitable fence on both sides of the then realigned road through the Quick (Stormberg) Property. Said fence shall be installed on both the eastern and western boundaries of the then constituted road easement. Said fence shall consist of a minimum of four (4) strands of barbed wire tightly strung on metal or wood posts at least four (4) feet in height. A gate and driveway shall be provided through the westernmost fence at a location designated by Quick. Motttram and the Association shall have all salvage rights to the existing fence now separating the Quick Property and the Stormberg Property and they may utilize any such material thereafter in constructing the new fence. All expenses incurred in compliance with this paragraph shall be shared fifty (50) percent Motttram and fifty (50) percent the Association.

6. All the parties hereto agree that the realigned road through the Quick Property shall henceforth be known as "Quick Road", unless the Board of Supervisors of Mariposa County shall order it to be known by a different name.

7. Motttram and the Association agree to furnish the services of a licensed surveyor for the purpose of establishing the physical boundaries of the Quick Property and filing a parcel map in the official records of Mariposa County. Said parcel map shall create four (4) parcels, as designated by Quick, from the Quick Property. Quick shall be responsible for obtaining the necessary approval of the proposed parcels from the Mariposa County Planning Commission.

8. This document contains the entire agreement and understanding concerning the subject matter between the parties and supersedes all prior negotiations, proposed agreements and agreements, written and oral. Each of the parties hereto acknowledges that no other party, nor any agent or attorney of any other party, has made
any promise, representation or warranty whatsoever, express or implied, not contained herein concerning the subject matter hereof, to induce him to execute this instrument in reliance of any such promise, representation or warranty not contained herein.

IN WITNESS WHEREOF, the parties hereto have executed the within agreement as of the date first written above.

[Signatures]

WITNESS:

[Signatures]

COUNTY OF MARIPOSA
STATE OF CALIFORNIA

On this 7th day of , 1974, before me, , a Notary Public, State of California, personally appeared

, known to me to be the person whose name is subscribed to the within instrument as a witness thereon, who being by me duly sworn, deped, and said: that he knows the signature of


Mariposa 120 Property Owner's Association
by E. Vernon Jordan

Mariposa 120 Property Owner's Association
by Rulon E. Van Nagonen

[Seal]

HAROLD V. LOCKE
Notary Public - CALIFORNIA
MARIPOSA COUNTY
My Commission Expires Sept. 22, 1974

[Seal]

[Seal]

COUNTY OF MARIPOSA OFFICIAL RECORDS VOL. 151 PAGE 3
APPLICATION: Land Division Application No. 1355

APPLICANT: Doris Wooden

AGENT: H. Forbes Simpson

STAFF RECOMMENDATION: Staff recommends the Planning Commission adopt a Negative Declaration with mitigation measures and approve the project with recommended findings and conditions.

PROJECT DESCRIPTION: The applicant proposes to divide a 18.27 acre parcel into three (3) parcels of 5.01 acres, 5.05 acres and 8.21 acres respectively.

LOCATION: The project site is located on the south side of Ben Hur Road, 2.8 miles from the intersection of Ben Hur Road and Highway 49 South (APN 17-440-010).

BACKGROUND: Parcel created prior to the Subdivision Map Act.

RELATIONSHIP TO GENERAL PLAN: The project site is located within the Mountain Home Land Use Classification (Five acre minimum parcel size).

ENVIRONMENTAL REVIEW: Initial Study with recommendation for adoption of a Negative Declaration with mitigation measures.

DISCUSSION: The applicant proposes to divide a 18.27 acre parcel into three (3) parcels of 5.01 acres, 5.05 acres and 8.21 acres respectively. Parcels A and B have frontage along Ben Hur Road (a County Road). Parcel A will be served by a driveway encroachment accessing Ben Hur Road. Parcel B is currently served by both a driveway encroachment off of Ben Hur Road and an existing 40' non-exclusive easement. Parcel C will be served exclusively by the existing 40' non-exclusive easement accessing Ben Hur Road. Slopes on the project site range from relatively level to approximately 15%. A minor drainage course runs through both Parcels A and C. Parcel B has an existing single family residence with a well, and on-site septic system, while Parcels A and C have suitable building sites. Private wells and on-site septic systems are proposed for water and wastewater disposal on Parcels A and C.
Access/Encroachments/Dedications--Parcels A and B both have frontage along Ben Hur Road (a County road) and Parcel B is currently served by an existing driveway encroachment onto Ben Hur Road and the 40' non-exclusive easement on the eastern boundary. Primary access onto Parcel B is via an encroachment accessing the 40' non-exclusive easement. Parcel C will be served by the existing forty (40') foot non-exclusive easement. The present road within the easement is a Rural Class I Road, ranging in width from 22 to 24 feet with approximately 16 feet of gravel surface. An adequate and safe encroachment can be made onto Parcel A from Ben Hur Road. The County Road Division indicated that both the driveway and easement encroachments onto Ben Hur have poor sight distance to both the east and west, and this has been identified in the Initial Study as a potentially significant hazard to traffic on Ben Hur Road. The easement encroachment may be improved by trimming the brush and removing a cut bank to the west. The easement encroachment must be paved to meet County encroachment standards. These encroachment improvements are recommended as a condition of approval and will be carried out through the required encroachment permit process before recordation of the parcel map.

The Road Division recommends the applicant offer a dedication of a minimum of thirty-five feet (35') from centerline along Ben Hur Road, which is a designated arterial road. The centerline of the 40' non-exclusive easement is considered to be the eastern most boundary line of the subject property. Twenty five feet (25') from the centerline of this easement is on the subject property, while the remaining 15' is off site. It is the recommendation of the Public Works Department that the portion of the easement that is within the project site be offered for dedication to the County for public access and utility purposes.

Road Improvements--The existing 40' non-exclusive easement will provide access to Parcels B and C. The present road within this easement is a Rural Class I Road. The County Road Improvement and Circulation Policy requires a Rural Class II Road for this easement on the basis of the number of off-site parcels currently being served. The applicant is requesting a waiver to the 60' non-exclusive easement width as required by the County Subdivision Ordinance and states the 40' non-exclusive easement width is presently sufficient for improving the road to a Rural Class II Standard. Based upon comments received from the Road Division it appears that the existing 40' wide non-exclusive easement will be sufficient to improve the current road within the easement to a Rural Class II Standard. As a condition of approval it is recommended that if there is not adequate easement width to improve the road to a
Rural Class II standard that the applicant provide any additional easement width required to accommodate the required improvements. However, this easement could potentially serve 35+ future parcels, and the ultimate road standard necessary to serve this number of parcels as determined by the Road Improvement and Circulation Policy is a Rural Class III Road. A Rural Class III Road normally requires a 60' wide non-exclusive easement but a Rural Class III Road may be constructed within a 50' non-exclusive easement along the current alignment. Since there is an existing 25' easement within the project site, there is a potential for a 50' non-exclusive easement with any additional easement width being obtained from the adjoining parcel upon its subdivision. If a Rural Class III Road can be constructed within the 50' non-exclusive easement, additional easement width would not be required of the applicant. As a condition to approving the waiver, Staff recommends the applicant be required to conclusively demonstrate to the County Engineer's approval that a Rural Class III Road can be built within a 50' non-exclusive easement along the current road alignment within the project site.

A Barn on Parcel B lies within the 40' non-exclusive easement. The Public Works Department indicated that a Rural Class II Road may be built within the easement without disturbing the barn. Staff recommends that the barn and its encroachment into the easement be shown on the Parcel Map as constructive notice to future owners of the encroachment of the barn into the easement.

On-site Septic Systems--In accordance with Section 16.12.330 of the County Subdivision Ordinance, approved percolation and soil analysis tests are required for Parcel A. Parcel A is less than 6 acres in size and is automatically required to fulfill this requirement. The County Sanitarian recommends a percolation test and soil profile for Parcel C due to the numerous rock outcroppings. In addition the standard statement providing information on the approved percolation and soil analysis tests shall be recorded and referenced on the parcel map.

**RECOMMENDED FINDINGS:**

1) The project is found to support, accomplish, or have no effect on the goals, policies, and standards of the General Plan as a whole and will not obstruct the achievement of the Plan's purpose. This finding is made in accordance with Section 2.600 et. seq.
2) The subdivision, upon compliance with the required conditions, complies with all standards of the Subdivision Map Act and the County Subdivision Ordinance.

3) For the purposes of public health, safety and welfare and the orderly development of the surrounding area, the required road improvements are necessary prior to recoration of the parcel map.

RECOMMENDED CONDITIONS:

1) A dedication of a minimum 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 that the dedication is for "public road and utility purposes". The location and width of the 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) A dedication of 25 feet from the eastern property line shall be offered to the County of Mariposa. The offer of dedication shall be non-revocable and specifically state that the dedication is for "public road and utility purposes". The location and width of the dedication shall be approved by the County Engineer.

(Section 16.12.150, County Subdivision Ordinance; Section II.A.3, Road Improvement and Circulation Policy)

3) The applicant shall conclusively demonstrate to the County Engineer's approval that a Rural Class III Road can be built within a potential 50' wide non-exclusive easement along the current alignment. If a Rural Class III Road cannot be constructed within the potential 50' non-exclusive easement the applicant shall be required to offer for dedication the additional easement width necessary.

(Planning Department Recommendation)

4) Percolation tests and soil analysis shall be performed on Parcels A and C. The results of these tests shall be submitted to the Mariposa County Health Department and be approved by the County Sanitarian prior to recoration of the parcel map. A letter from the County Sanitarian shall be submitted to the County Surveyor stating that the approved percolation and soil analysis tests have been
MARIPOSA COUNTY
ROAD SYSTEM

LOCATION MAP
LAND DIVISION # 1355
DORIS WOODEN-APP
APN: 017-440-010
MITIGATION MEASURES LIST

Land Division Application No. 1355

The following list of mitigation measures for Land Division Application No. 1355 has been developed by the Planning Department to reduce or eliminate the potential significant impacts of the project. These mitigation measures must be included in the project proposal before a public hearing can be set and a Negative Declaration can be considered and adopted pursuant to Section 15070(b)(1) of the California Environmental Quality Act.

1. The applicant shall address the easement encroachment sight distance problem by trimming the brush to both the east and west of the easement encroachment and by removing or lowering the cut bank to the west. The encroachment work shall be approved by the County Engineer, and shall meet all County Standards and Ordinances as a condition of approval of this project.

I, [signature], being the project applicant or agent authorized to act in behalf of the project applicant, do hereby agree to the above mitigation measure(s) and agree to modify the project to incorporate the above mitigation measure(s) into the project as conditions of approval.

[Signature]
Project Applicant/Agent

[Signature]
Date
INITIAL STUDY
ENVIRONMENTAL CHECKLIST FORM "B"

SECTION A

I. BACKGROUND

1. Name of Project Proponent: Doris Wooden
   Agent: H. Forbes Simpson

2. Address and Phone Number of Proponent: 4084 Ben Hur Road
   Mariposa, CA 95338  (209) 966-5263

3. Lead Agency: Mariposa County Planning Commission

4. Project Title: Land Division Application No. 1355

II. DESCRIPTION OF PROJECT

Proposed division of an 18.27 acre parcel into three (3) parcels of 5.01 acres, 5.05 acres, and 8.21 acres respectively. The project site is on the south side of Ben Hur Road, and is located 2.8 miles from the intersection of Ben Hur Road and Highway 49 South.

III. DESCRIPTION OF ENVIRONMENTAL SETTING

The property is located in the Oak Woodland Habitat at an elevation of approximately 1,600 to 1,750 feet. Vegetation on the site consists of Live Oak, Blue Oak, Valley Oak, scattered Digger Pines, Manzanita, Ceonothus, and assorted annual forbs and grasses. According to the Mariposa County Soil Survey, Auberry rocky sandy loam (AfE2) is the predominant soil type on the site. This soil type is characterized as having 2 to 10% rock outcrops, medium to rapid surface runoff, and moderate to high erosion hazard. Slope on all parcels is relatively gentle, ranging from 5 to 15%. Parcel C has a minor drainage channel running from east to west approximately in the center of the parcel.

Parcel B has existing improvements which include a house, garage, and barn. The barn currently is within the existing forty foot (40') easement serving the property. Parcel B is served by an existing well, and an on-site septic disposal system. Parcels A and C will be served by individual wells and on-site septic disposal systems.

The Department of Fish and Game's Natural Diversity Base and Areas of Special Biological Importance Map indicates that there are no threatened or endangered plant or animal species within the project area.
### IV. Environmental Effects Checklist:

(Explanations of all "Yes" or "Maybe" answers are required on attached sheets)

<table>
<thead>
<tr>
<th>Potential Effect</th>
<th>Yes</th>
<th>Maybe</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>EARTH</strong> Could the project result in:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. The destruction, covering of any unique geologic or physical features?</td>
<td></td>
<td></td>
<td>(1)</td>
</tr>
<tr>
<td>2. Substantial acceleration in wind or water erosion of soils, either on or off the site?</td>
<td></td>
<td>(2)</td>
<td></td>
</tr>
<tr>
<td>3. Unnecessary or unusual exposure of people or property to geological hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards?</td>
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<td>(3)</td>
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<tr>
<td><strong>AIR</strong> Could the project result in:</td>
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<tr>
<td>4. Creation of substantial air emissions or major deterioration of ambient air quality?</td>
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<td></td>
<td>(4)</td>
</tr>
<tr>
<td>5. The creation of objectionable odors?</td>
<td></td>
<td></td>
<td>(5)</td>
</tr>
<tr>
<td>6. The creation of substantial amounts of air-borne particulate matter?</td>
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<td></td>
<td>(6)</td>
</tr>
<tr>
<td><strong>WATER</strong> Could the project result in:</td>
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<tr>
<td>7. Major changes in absorption rates, drainage patterns, or the rate and amount of surface runoff?</td>
<td></td>
<td></td>
<td>(7)</td>
</tr>
<tr>
<td>8. Major alterations to the course of flow of flood waters?</td>
<td></td>
<td></td>
<td>(8)</td>
</tr>
<tr>
<td>9. Major discharge into surface waters or any major alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?</td>
<td></td>
<td></td>
<td>(9)</td>
</tr>
<tr>
<td>10. Major alteration or reduction of available subsurface water supplies necessary to support existing development?</td>
<td></td>
<td></td>
<td>(10)</td>
</tr>
<tr>
<td><strong>PLANT LIFE</strong> Could the project result in a substantial reduction of the numbers of any rare or endangered species of plants?</td>
<td></td>
<td></td>
<td>(11)</td>
</tr>
<tr>
<td><strong>ANIMAL LIFE</strong> Could the project result in:</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>12. Major reduction of the numbers of any unique, rare or endangered species of animals?</td>
<td></td>
<td></td>
<td>(12)</td>
</tr>
<tr>
<td>13. Major introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?</td>
<td></td>
<td></td>
<td>(13)</td>
</tr>
<tr>
<td>14. Major deterioration of existing fish or wildlife habitat?</td>
<td></td>
<td></td>
<td>(14)</td>
</tr>
<tr>
<td><strong>NOISE</strong> Could the project result in increases in existing noise levels detrimental to existing uses?</td>
<td></td>
<td></td>
<td>(15)</td>
</tr>
<tr>
<td><strong>LIGHT AND GLARE</strong> Could the project produce new light or glare abnormal to existing uses?</td>
<td></td>
<td></td>
<td>(16)</td>
</tr>
<tr>
<td><strong>LAND USE</strong> Could the project result in a substantial alteration of the present or planned use of an area?</td>
<td></td>
<td></td>
<td>(17)</td>
</tr>
</tbody>
</table>
18. Major increases in the rate of use of any natural resource excluding water?  
(18) [ ] [ ] [X]  

19. Substantial depletion of any non-renewable natural resource or preclude development of a natural resource?  
(19) [ ] [ ] [X]  

20. RISK OF UPSET Could the project involve a risk of an explosion or release of hazardous substances?  
(20) [ ] [ ] [X]  

21. POPULATION Could the project substantially alter the existing or planned location, distribution, density or growth rate of human populations of an area?  
(21) [ ] [ ] [X]  

TRANSPORTATION/CIRCULATION Could the project result in:  

22. Major effects on existing parking facilities, or demand for new parking?  
(22) [ ] [ ] [X]  

23. Major alterations to present or planned patterns of circulation or movement of people and/or goods?  
(23) [ ] [ ] [X]  

24. Major increase in traffic that may be hazardous to motor vehicles, bicyclists, pedestrians, or livestock?  
(24) [X] [ ] [ ]  

PUBLIC SERVICES Could the project have an effect upon, or result in a need for new or altered governmental services in any of the following areas?  

25. Fire Protection  
(25) [X] [ ] [ ]  

26. Police Protection  
(26) [X] [ ] [ ]  

27. Schools  
(27) [X] [ ] [ ]  

28. Parks and Other Recreation Facilities  
(28) [X] [ ] [ ]  

29. Maintenance in public facilities including streets and roads  
(29) [X] [ ] [ ]  

30. Other governmental or public services or facilities  
(30) [X] [ ] [ ]  

HUMAN HEALTH Could the project result in:  

31. Creation of any health hazard or potential health hazard (excluding mental health)?  
(31) [X] [ ] [ ]  

32. Exposure of people to potential health hazards?  
(32) [X] [ ] [ ]  

AESTHETICS Could the project result in:  

33. The destruction of any scenic vista or view open to the public?  
(33) [X] [ ] [ ]  

34. The creation of an aesthetically offensive site open to public view?  
(34) [X] [ ] [ ]  

CULTURAL RESOURCES Could the project result in:  

35. The alteration of or the destruction of a prehistoric or historic archaeological site?  
(35) [X] [ ] [ ]  

36. Adverse physical or aesthetic effects to a prehistoric or historic building, structure or object?  
(36) [X] [ ] [ ]
V. DISCUSSION OF ENVIRONMENTAL CHECKLIST FINDINGS

2, 7, and 9: The gentle slopes of the proposed parcels, the standards of the County Grading Ordinance, and the use of the existing driveway encroachment for Parcel B, and the existing non-exclusive access easement for Parcel C should ensure that grading activities for access, building sites, and required facilities will not have a significant effect on soil erosion, surface runoff, water absorption, drainage or surface waters.

24: The Road Division states that the sight distance for the existing easement is inadequate and creates a potential traffic hazard. The west and east side of the easement entrance is overgrown with brush and to the west there is a cut-bank which reduces the sight distance. Trimming the brush to the east and west sides of the encroachment and removing or lowering the cut bank to the west will correct the sight distance problem.

VI. SUGGESTED MITIGATION MEASURES DEEMED APPROPRIATE TO REDUCE OR ELIMINATE POSSIBLE ENVIRONMENTAL EFFECTS

24: The applicant shall be required to improve the easement encroachment sight distance problem by trimming the brush on both the east and west side of the easement entrance and removing or lowering the cut bank to the west. All work shall be done to the approval of the County Engineer and shall meet all requirements of the Mariposa County Grading Ordinance. With the correction of the sight distance problem the traffic hazards associated with the encroachment will be reduced and will not be significant.
### VII. ANALYSIS OF SIGNIFICANCE:

<table>
<thead>
<tr>
<th>Identified Potential Impact (No.)</th>
<th>Mitigation Possible</th>
<th>Impact Significant</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Yes</td>
<td>X</td>
<td>SEE SECTION V</td>
</tr>
<tr>
<td>7</td>
<td>Yes</td>
<td>X</td>
<td>SEE SECTION V</td>
</tr>
<tr>
<td>9</td>
<td>Yes</td>
<td>X</td>
<td>SEE SECTION V</td>
</tr>
<tr>
<td>24</td>
<td>Yes</td>
<td>X</td>
<td>SEE SECTION V</td>
</tr>
</tbody>
</table>

### VIII. MANDATORY FINDINGS OF SIGNIFICANCE (As per Section 15062 of the CEQA Guidelines, requires EIR if "Yes")

- **A.** The potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?  
  - **Yes**  
  - **No**

- **B.** The potential to achieve short term, to the disadvantage of long term, environmental goals?  
  - **Yes**  
  - **No**

- **C.** Impacts which are individually limited but cumulatively considerable?  
  - **Yes**  
  - **No**

- **D.** Environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?  
  - **Yes**  
  - **No**
IX. DETERMINATION:

On the basis of this initial study:

A. It is found on the basis of this initial study that the proposed project WILL NOT have a significant effect on the environment and a NEGATIVE DECLARATION WILL BE PREPARED.

B. It is found on the basis of this initial study that the potential environmental effects of this project WILL NOT be significant in this case because the mitigation measures described in Section VI will be added to the project proposal as conditions of approval and will mitigate environmental effects entirely or to an acceptable level. A NEGATIVE DECLARATION will be prepared.

C. It is found on the basis of this initial study, that the proposed project MAY have a significant effect on the environment, and an Environmental Impact Report is required. (This determination may be based upon Section VII, Analysis of Significance or Section VIII, Mandatory Findings of Significance).

D. It is found that it can be argued on the basis of substantial evidence that the project may have a significant environmental impact. An Environmental Impact Report is required.

E. It is found that there is a serious public controversy concerning the potential environmental effects of the project and an Environmental Impact Report is required.

F. It is found that the project cannot be approved or conditionally approved and no further action is required under the provisions of the California Environmental Quality Act.

X. ACTIONS:

A. Section "A" of this Initial Study was:
   Prepared by ________ Roger Evans________
   Assisted by ____________________________
   Reviewed by ________ Duane Hall________
   Date ________ 9/17/90________

B. Section "B" of this Initial Study was:
   Prepared by ________ Roger Evans________
   at the direction of ____________________________
   Approved by ________ Duane Hall________
   Date ________ 9/18/90________

C. Authority:

   Signature
   Date ________________
   Title
   For

23
The Mariposa County Planning Commission met in regular session on the 30th day of November, 1990, in the Board of Supervisor's Meeting Room of the County Courthouse, Mariposa, California. The meeting was called to order at 10:00 a.m. by Chairman Fall with the following Commissioners present: Fall, Cromell, Eskra and Hotchklin. Commissioner Steagall was absent.

Chairman Fall asked for approval of November 9, 1990 minutes. On motion of Hotchklin, seconded by Eskra, minutes of November 9, 1990 Planning Commission meeting approved as submitted. AYES: Cromell, Fall, Hotchklin, Eskra. NOES: None. NOT VOTING: None. ABSENT: Steagall.

**Item II, Correspondence:** Memo to Board and Planning Commission from Planning Director for their information regarding AB 3158 Costa, Department of Fish and Game funding. The bill would require the collection of fees to be paid to the Department of Fish and Game each time a notice of determination is filed for a negative declaration or EIR. Discussion held on how the fees would double a land division application fee, that it did not appear to be a fee for service and would probably be challenged on that basis.

**Item III, Persons Wishing to Speak on Non-Agenda Matter:** No input received at this time.

**Item IV, Discussion and Action on Revised Boundary Map of the Mariposa County Redevelopment Agency Project Area.** Tim Evans presented Staff report with recommendation to amend Section 1 of Mariposa County Planning Commission Resolution 90-5, and adopt by resolution the Mariposa County Redevelopment Project Area, legal description, and the updated Redevelopment Project Area Map, dated November 27, 1990. On motion of Eskra, seconded by Cromell, adopt Resolution 90-22 approving the Mariposa County Redevelopment Project Area, legal description, and the updated Redevelopment Project Area Map. Discussion included background provided by the Planning Director and actions to be taken in the future. AYES: Cromell, Fall, Hotchklin, Eskra. NOES: None. NOT VOTING: None. ABSENT: Steagall.

**Item VI, Attention Matters:** Staff provided a Board of Supervisors and Planning Commission activities update at this time. These included new fee for zone of benefit, new fee for re-inspection by Public Works Department for final maps, Giles appeal denied by Board of Supervisors, Board denied fee waiver request for design review for recycling center at Pioneer Center, and a County rest area on Coakley Circle.
The Commission did not wish to pull Attention Matter Item B, Lot Line Adjustment Application No. 320, Morgan Brown, Brown Trust and John Reininghaus, Applicants, and staff's approval was ratified.

Item V Public Hearings: The time being 10:30 a.m., public hearings were opened on General Plan/Zoning Amendment No. 90-4, General Plan/Zoning Amendment No. 89-4, Land Division Application Nos. 1355, 1361, and 1341.

General Plan/Zoning Amendment No. 90-4, Wilbur Peterson, et al., Applicants. Staff Report presented by Duane Hall with recommendation that the Planning Commission adopt a resolution recommending to the Board of Supervisors the adoption of a Negative Declaration for the project and approval of the amendment with the recommended findings. Public portion of the public hearing was opened. Bart Brown read on behalf of MERG a letter recommending that the amendment be postponed until Countywide policies are clarified and the General Plan appropriately updated. A copy of the letter was provided to the Planning Commission. Public portion of the public hearing closed. Discussion held on land use boundary lines. On motion of Eskra, seconded by Hotchklin, adopt Resolution No. 90-23 recommending to the Board of Supervisors the adoption of a Negative Declaration and approval of General Plan/Zoning Amendment No. 90-4 with the recommended findings. AYES: Cromell, Fali, Hotchklin, Eskra. NOES: None. NOT VOTING: None. ABSENT: Steagall. This project will go to the Board of Supervisors December 18, 1990.

General Plan/Zoning Amendment No. 89-4, Harold Wesley/Jerry Thompson, Applicants. Staff Report presented by Duane Hall with recommendation that the Planning Commission adopt a resolution recommending to the Board of Supervisors adoption of a Negative Declaration for the project and approval of the amendment with the recommended findings. Correspondence from Office of Planning and Research submitted saying there had been no comments from State Agencies on the project. A letter from Burton and Edna Michener submitted stating their concern with sewage disposal. Public portion of the public hearing opened. No input received. Public portion of the public hearing closed. On motion of Hotchklin, seconded by Eskra, adopt Resolution No. 90-24 recommending to the Board of Supervisors the adoption of a Negative Declaration and approval of General Plan/Zoning Amendment No. 89-4 with the recommended findings. AYES: Cromell, Fali, Hotchklin, Eskra. NOES: None. NOT VOTING: None. ABSENT: Steagall. This project will go to the Board of Supervisors December 18, 1990.

The Commission took a five minute recess.

Land Division Application No. 1355, Doris Wooden, Applicant. Staff Report presented by Duane Hall with recommendation that the Planning Commission adopt a Negative Declaration with mitigation measures and approve the project with recommended findings and conditions. Staff stated the applicant requested a waiver to the 60' non-exclusive easement width, stating the present 40' non-
exclusive easement is sufficient. Public portion of the public hearing opened. E. J. Simpson asked why the 60 ft. easement would be waived for this particular project. Forbes Simpson, project agent, stated that a Rural Class II road could be built within the present 40 ft. easement. Bob Foley, affected property owner, stated he felt the applicant should be granted the waiver. Bill Hilton, spokesman for affected property owner Perryman, questioned other driveways being created off the Perryman easement. E. J. Simpson asked if other parcels to the south could use the additional easement width also. Public portion of the public hearing closed. Discussion held on requirement for 60 ft. wide easement. On motion of Eskra, seconded by Hotchklin, deny the request for waiver to 40 ft. easement, adopt a Negative Declaration with mitigation measures and approve Land Division Application No. 1355 with recommended findings and conditions with the following revisions: Condition No. 3 eliminated; Condition No. 2 revised to require applicant to provide 45' offer of dedication within project site and/or acquired necessary offer of dedication from adjacent property owner. AYES: Cromell, Fall, Hotchklin, Eskra. NOES: None. NOT VOTING: None. ABSENT: Steagall.

Land Division Application No. 1361, Ernest Braun, Applicant.
Staff report presented by Duane Hall with recommendation that the Planning Commission adopt a Negative Declaration and approve the project with recommended findings and conditions. Public portion of the public hearing opened. No input received. Public portion of the public hearing closed. On motion of Hotchklin, seconded by Eskra, adopt a Negative Declaration and approve Land Division Application No. 1361 with recommended findings and conditions. AYES: Cromell, Fall, Hotchklin, Eskra. NOES: None. NOT VOTING: None. ABSENT: Steagall.

Land Division Application No. 1341, Frank Jedziniak, Applicant.
Staff report presented by Duane Hall with recommendation that the Planning Commission approve the project with the recommended findings and conditions with revision to Condition No. 3 to allow deferment of encroachment improvements with approval of Caltrans. Public portion of public hearing opened. Bart Brown questioned the location and amount of open space in the project. Public portion of public hearing closed. On motion of Cromell, seconded by Eskra, approve Land Division Application No. 1341 with the recommended findings and conditions with Condition No. 3 revised to include "the encroachment improvements may be deferred for a period of six months after recordation of the parcel map upon submittal of a payment and performance bond to Caltrans for the costs of the improvements and approval of the deferment by Caltrans". AYES: Cromell, Fall, Hotchklin, Eskra. NOES: None. NOT VOTING: None. ABSENT: Steagall.

There being no further business, the meeting was adjourned at 12:10 p.m.

ATTEST: Charles R. Fall, Chairman
Mariposa County Planning Commission

Betty Crisp, Acting Secretary
Mariposa County Planning Commission
TO: The Mariposa County Board of Supervisors

RE: Appeal of Condition for approval of Land Division Application No. 1355

Appellant: Doris Wooden, Owner / Agent for Owner: Forbes Simpson

The Appellant considers condition 2) of the approval (exhibit A) is unreasonable previously given on the grounds that: 1) She has 25' of the existing 40' width of easement to serve as access for previously approved subdivision. (see exhibit B)

2) The Planning Staff Report with the concurrence of the Road Department Engineering Technitian recommends a waiver of additional width on the basis that the required Class II road exists or can be constructed on the existing easement. (see exhibit C)

As the Planning Commission members rarely physically inspect subdivision projects, they rely heavily upon the recommendations of staff and the responses of the County agencies, i.e. Health Dept., Fire Marshal, Road Dept., etc.

In this case during the Planning Commission hearing on November 30, 1990 the Planning Department Staff and the Planning Director both argued in favour of waiver for the easement width.

The Planning Commission thereupon denied the waiver and ordered the 60' easement required under Section 15.12.150 County Subdivision Ordinance Section II.A.3 Road Improvement and Circulation Policy. The justification was not need but simply if it could be taken they wanted it.

Yours truly,

[Signature]

Forbes Simpson, as Agent

[Signature]

Doris Wooden, Owner
H. Forbes Simpson  
4706 Ashworth Road  
Mariposa, California 95338  

2 AUGUST 1990

TO: THE MARIPOSA COUNTY PLANNING COMMISSION

RE: LDA 1355 (DORIS WOODEN, OWNER) REQUEST FOR WAIVER OF EASEMENT WIDTH REQUIREMENT OF 60' TO EXISTING 40'.

INSPECTION OF THE EXISTING ROADWAY & EASEMENT ON THE EASTERN BOUNDARY OF THE WOODEN PROPERTY REVEAL A GOOD GRAVEL BASE & SURFACE WITH NO EVIDENCE OF SOFT OR MUD-PRONE AREAS THE LENGTH OF THE PROPERTY.

25' OF THE EXISTING 40' WIDTH OF EASEMENT WAS TAKEN FROM THE WOODEN PROPERTY TO ACCESS SUBDIVISION PREVIOUSLY APPROVED BY THE PLANNING COMMISSION.

THE USUAL JUSTIFICATION FOR A 60' EASEMENT IS THAT MUCH OF THE EASEMENT WIDTH IS USED UP IN CUT & FILL SLOPES AT ROADSIDE.

SINCE THE ROAD DOES NOT TRAVERSE ANY SEVERE SLOPES, A 40' EASEMENT WILL ACCOMMODATE A CLASS II ROAD.

FORBES SIMPSON AS AGENT  
FOR DORIS WOODEN
December 3, 1990

Doris Wooden
4084 Ben Hur Road
Mariposa, CA, 95338

RE: Land Division Application No. 1355

Dear Mrs. Wooden:

At their meeting of November 30, 1990, the Mariposa County Planning Commission acted to approve your Land Division Application No. 1355 with the following conditions:

1) A dedication of a minimum 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 that the dedication is for "public road and utility purposes". The location and width of the 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) A dedication of 45 feet from the eastern property line shall be offered to the County of Mariposa. The offer of dedication shall be non-revocable and specifically state that the dedication is for "public road and utility purposes". The location and width of the dedication shall be approved by the County Engineer.

OR,

A dedication of 60 feet along the eastern property line shall be offered to the County of Mariposa. The offer of dedication may be located within the project site and the adjacent parcel. That portion of the offer of dedication located outside the project site shall be created in a form and manner approved by the County Surveyor. The offer of dedication shall be non-revocable and specifically state that the dedication is for "public road and utility purposes". The location and width of the dedication shall be approved by the County Engineer.

(Section 16.12.150, County Subdivision Ordinance; Section II.A.3, Road Improvement and Circulation Policy)
3) Percolation tests and soil analysis shall be performed on Parcels A and C. 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 the approved percolation and soil analysis tests have been performed on the parcels. A statement shall be recorded in the Official records concurrently with the parcel map and be referenced on the parcel map as follows:

"Approved percolation and soil analysis tests have been performed on Parcels A and C as shown on the Parcel Map for_____, recorded in Book____of Parcel Maps at Page____, Mariposa County Records, to verify the feasibility of installing on-site septic disposal systems. A map identifying the locations of the approved percolation and soil analysis 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 and soil analysis test, additional tests and design recommendations may be required."

(Section 16.12.330, County Subdivision Ordinance, Health Department Recommendation)

4) Prior to the recordation of the parcel map, all fees associated with the County's processing of the map shall be paid.

(Planning Department Recommendation)

5) The easement from Ben Hur Road to the northern property line of Parcel C shall be improved to a Rural Class II 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.

(Section 16.12.170, County Subdivision Ordinance; Chart A and Section II.D.2.a, Road Improvement and Circulation Policy)

6) An encroachment permit shall be obtained from the Mariposa Public Works Department prior to any work being done on or adjacent to Ben Hur Road. The applicant shall address the easement encroachment sight distance problem by trimming the brush to the east and west of the easement and by removing or lowering the cut bank to the west. The encroachment work required to correct the sight distance problem shall be approved by the County Engineer. In addition, all grading and road improvement work required as a condition of approval of this project shall comply with the Mariposa County Grading
Ordinance and all requirements contained therein, including obtaining a grading permit. 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.

(Chapter 11, County Improvement Standards; Mitigation Measure)

7) That portion of the barn within the 40' non-exclusive easement shall be shown on the parcel map to the approval of the County Surveyor.

(Planning Department Recommendation; Public Works Department Recommendation)

8) The easement from Ben Hur Road to APNs 17-450-013 and 17-450-016 shall be named in accordance with County Resolution No. 85-304. A Road Name Request application shall be submitted to the Planning Department and approved by the Board of Supervisors. The name of the road within the project site shall be shown on the parcel map.

(County Resolution No. 85-304)

You now have until November 30, 1992 to meet the conditions and record the parcel map.

All actions of the Planning Commission may be appealed to the Board of Supervisors. A copy of the appeals procedure is enclosed for your information.

If you should have any questions, please feel free to contact me.

Sincerely,

Roger D. Evans
Planner II

Enclosure/CRRR

cc: County Surveyor
    County Sanitarian
    County Assessor
    H. Forbes Simpson (Agent)
AGREEMENT TO PROVIDE
RIGHTS OF WAY AND IMPROVE ROADS

THIS AGREEMENT made and entered into this 22nd day of November, 1974 by and between

Allan S. Quick and Barbara Quick
13 Spring Way
Madera, California 93636
(Hereinafter referred to as "Quick") and

Thomas O. Mottram and Mary A. Mottram
Mariposa, California 95338
(Hereinafter referred to as "Mottram") and

The Mariposa 320 Property Owners' Association
3151 North Palm Avenue
Fresno, California 93704
(Hereinafter referred to as "the Association")

with reference to the following parts:

WHEREAS Quick is holder of record title to that certain parcel of
land, together with improvements thereon, situated in the County
of Mariposa, State of California, known and described as a tract
of land situate in northeast one quarter of Section twelve, Town-
ship six south, Range eighteen east, M.D.R.W. and acquired by
such hereafter referred to as "the Quick Property"); and

WHEREAS Quick desires to have the existing road through the Quick
Property fenced, improved so as to control dust and realigned along
the eastern boundary of the Quick Property, and to have the boundaries
of the Quick Property determined by survey; and

WHEREAS Mottram is holder of record title to that certain parcel of
land situate in the County of Mariposa, State of California,
known and described as the east one half of Section thirteen,
Township six south, Range eighteen east, M.D.R.W. (Hereinafter
referred to as "the Mottram Property"); and

WHEREAS Mottram desires a non exclusive right of way for road and
public utility purposes from Win Hur Road, a County road, for the
use of all or any portion of the Mottram Property; and

WHEREAS the Mariposa 320 Property Owners Association is the true
owner of that certain parcel of land situate in the County of
Mariposa, State of California known and described as the southeast
one quarter of Section twelve, Township six south, Range eighteen
east; Lot four (4) in Section seven; Lots one (1) and two (2) and
the northeast one quarter of Section eighteen, Township six south,
EASEMENT

Range nineteen east, M.D.R.A.M. and with title vested in Transamerica Title Insurance Company, a Corporation, under a Trust Agreement (hereinafter referred to as "the Association Property"); and

WHEREAS E. Vernon Jordan and Rulon E. Van Wagonen hereby represent themselves as duly authorized agents of the Mariposa 320 Property Owner's Association and are empowered to act on behalf of the Association in the matters contained in this agreement; and

WHEREAS the Association desires that the existing but abandoned old Raymond Road through the Association Property be repaired and improved into reasonably driveable condition; and

WHEREAS the Association desires a nonexclusive right of way for road and public utility purposes from Ben Hyr Road, a County Road, for the use of all or any portion of the Association Property; and

WHEREAS some uncertainty exists as to the rights of parties hereto to the use of the existing roads; and

WHEREAS the parties hereto desire to establish with reasonable certainty the rights of the respective parties to the use of existing and realigned roads.

NOW THEREFORE in consideration of the foregoing and in further consideration of the mutual agreements and covenants hereinafter set forth, the parties hereto agree by and between themselves as follows:

1. Mottram agrees within six (6) months of the date hereof, to repair and improve, at their expense, the old Raymond Road, in its entire length, through the Association Property. Such repair and improvement shall render the road driveable by ordinary passenger automobile under any reasonable weather conditions.

2. Mottram and the Association agree within six (6) months of the date hereof, to construct, at their expense, such road as is necessary to realign the existing road through the Quick Property onto a strip of land forty (40) feet wide consisting of the easternmost twenty five (25) feet of the Quick Property and the westernmost fifteen (15) feet of the adjoining Stormberg Property. The entire road after realignment shall be repaired or improved, at the expense of Mottram and the Association so as to render the road driveable by ordinary passenger automobile under any reasonable weather conditions. A minimum of twenty (20) cubic yards of mine tailings shall be spread on the road bed at a location to be determined by Quick. All expenses incurred in compliance with this paragraph shall be shared fifty percent Mottram and fifty percent the Association.

3. The Association agrees, within thirty (30) days of the date hereof, to cause a deed to be granted to Mottram as Grantee conveying a nonexclusive right of way as an appurtenance to the lands of the Grantees or any portion thereof situate in Section thirteen, Township six south, Range eighteen east, M.D.B.A.M., for road and public utility

JOHNSON To QUICK 118 - 639

28 Nov 74

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purposes, over a strip of land sixty (60) feet in width, the center line of which is the center line of the old abandoned Raymond Road lying within the lands of the Grantor, situated in the southeast one quarter of Section twelve, Township six south, Range eighteen east, M.D.H.A.M.

4. Quick agrees, within thirty (30) days of the date hereof, to convey by deed to Nottman and the Association as Grantee, a non-exclusive right of way as an appurtenance to the lands of the Grantee or any portion thereof situated in Sections twelve and thirteen of Township six south, Range eighteen east and in Sections seven and eighteen of Township six south, Range nineteen east, M.D.H.A.M., for road and public utility purposes, over the easternmost twenty-five (25) feet of the land presently owned by the Grantor situated in the east one half of the northeast one quarter of Section twelve, Township six south, Range eighteen east, M.D.H.A.M.

5. Nottman and the Association agree to install, within six (6) months of the date hereof, a suitable fence on both sides of the then realigned road through the Quick (Stormberg) Property. Said fence shall be installed on both the eastern and western boundaries of the then constituted road easement. Said fence shall consist of a minimum of four (4) strands of barbed wire tightly strung on metal or wood posts at least four (4) feet in height. A gate and driveway shall be provided through the westernmost fence at a location designated by Quick. Nottman and the Association shall have all salvage rights to the existing fence now separating the Quick Property and the Stormberg Property and they may utilize any suitable material therefrom in constructing the new fence. All expenses incurred in compliance with this paragraph shall be shared fifty (50) percent Nottman and fifty (50) percent the Association.

6. All the parties hereto agree that the realigned road through the Quick Property shall henceforth be known as "Quick Road", unless the Board of Supervisors of Mariposa County should order it to be known by a different name.

7. Nottman and the Association agree to furnish the services of a licensed surveyor for the purpose of establishing the physical boundaries of the Quick Property and filing a parcel map in the official records of Mariposa County. Said parcel map shall create four (4) parcels, as designated by Quick, from the Quick Property. Quick shall be responsible for obtaining the necessary approval of the proposed parcels from the Mariposa County Planning Commission.

8. This document contains the entire agreement and understanding concerning the subject matter between the parties and supersedes and replaces all prior negotiations, proposed agreements and agreements, written and oral. Each of the parties hereto acknowledges that no other party, nor any agent or attorney of any other party, has made
any promise, representation or warranty whatsoever, express or implied, not contained herein concerning the subject matter hereof, to induce him to execute this instrument in reliance of any such promise, representation or warranty not contained herein.

IN WITNESS WHEREOF, the parties hereto have executed the within agreement as of the date first written above.

Allan S. Quick
Barbara Quick

Thomas D. Mettman
Mary A. Mettman

Leo A. Hara

Mariposa 320 Property Owners' Association
by E. Vernon Jordan

Mariposa 320 Property Owners' Association
by Rulon E. Van Wagonen

COUNTY OF MARIPOSA
STATE OF CALIFORNIA

On this 26th day of November, 1974, before me, HAROLD V. LOCKE,
Notary Public, State of California, personally appeared
Leo A. Hara,
known to me to be the person whose name is subscribed to the within instrument as a witness thereto, who being by me duly sworn, deposed, and said: that he resides in Mariposa
County, that he was present and saw Allan S. Quick,
Thomas D. Mettman,
Mary A. Mettman,
E. Vernon Jordan,
and Rulon E. Van Wagonen, personally known to him to be the person(s) subscribed to and whose name(s) subscribed to the within and annexed instrument, recognize the same; and that all persons subscribed his name thereto as a witness to said execution.

WITNESS my hand and official seal

Notary Public, State of California

County of Mariposa Official Records Vol. 151 Page 3 9 3
APPLICATION: Land Division Application No. 1355

APPLICANT: Doris Wooden

AGENT: H. Forbes Simpson

STAFF RECOMMENDATION: Staff recommends the Planning Commission adopt a Negative Declaration with mitigation measures and approve the project with recommended findings and conditions.

PROJECT DESCRIPTION: The applicant proposes to divide a 18.27 acre parcel into three (3) parcels of 5.01 acres, 5.05 acres and 8.21 acres respectively.

LOCATION: The project site is located on the south side of Ben Hur Road, 2.8 miles from the intersection of Ben Hur Road and Highway 49 South (APN 17-440-010).

BACKGROUND: Parcel created prior to the Subdivision Map Act.

RELATIONSHIP TO GENERAL PLAN: The project site is located within the Mountain Home Land Use Classification (Five acre minimum parcel size).

ENVIRONMENTAL REVIEW: Initial Study with recommendation for adoption of a Negative Declaration with mitigation measures.

DISCUSSION: The applicant proposes to divide a 18.27 acre parcel into three (3) parcels of 5.01 acres, 5.05 acres and 8.21 acres respectively. Parcels A and B have frontage along Ben Hur Road (a County Road). Parcel A will be served by a driveway encroachment accessing Ben Hur Road. Parcel B is currently served by both a driveway encroachment off of Ben Hur Road and an existing 40' non-exclusive easement. Parcel C will be served exclusively by the existing 40' non-exclusive easement accessing Ben Hur Road. Slopes on the project site range from relatively level to approximately 15%. A minor drainage course runs through both Parcels A and C. Parcel B has an existing single family residence with a well, and on-site septic system, while Parcels A and C have suitable building sites. Private wells and on-site septic systems are proposed for water and wastewater disposal on Parcels A and C.
Access/Encroachments/Dedications--Parcels A and B both have frontage along Ben Hur Road (a County road) and Parcel B is currently served by an existing driveway encroachment onto Ben Hur Road and the 40' non-exclusive easement on the eastern boundary. Primary access onto Parcel B is via an encroachment accessing the 40' non-exclusive easement. Parcel C will be served by the existing forty (40') foot non-exclusive easement. The present road within the easement is a Rural Class I Road, ranging in width from 22 to 24 feet with approximately 16 feet of gravel surface. An adequate and safe encroachment can be made onto Parcel A from Ben Hur Road. The County Road Division indicated that both the driveway and easement encroachments onto Ben Hur have poor sight distance to both the east and west, and this has been identified in the Initial Study as a potentially significant hazard to traffic on Ben Hur Road. The easement encroachment may be improved by trimming the brush and removing a cut bank to the west. The easement encroachment must be paved to meet County encroachment standards. These encroachment improvements are recommended as a condition of approval and will be carried out through the required encroachment permit process before recordation of the parcel map.

The Road Division recommends the applicant offer a dedication of a minimum of thirty-five feet (35') from centerline along Ben Hur Road which is a designated arterial road. The centerline of the 40' non-exclusive easement is considered to be the eastern most boundary line of the subject property. Twenty five feet (25') from the centerline of this easement is on the subject property, while the remaining 15' is off site. It is the recommendation of the Public Works Department that the portion of the easement that is within the project site be offered for dedication to the County for public access and utility purposes.

Road Improvements--The existing 40' non-exclusive easement will provide access to Parcels B and C. The present road within this easement is a Rural Class I Road. The County Road Improvement and Circulation Policy requires a Rural Class II Road for this easement on the basis of the number of off-site parcels currently being served. The applicant is requesting a waiver to the 60' non-exclusive easement width as required by the County Subdivision Ordinance and states the 40' non-exclusive easement width is presently sufficient for improving the road to a Rural Class II Standard. Based upon comments received from the Road Division it appears that the existing 40' wide non-exclusive easement will be sufficient to improve the current road within the easement to a Rural Class II Standard. As a condition of approval it is recommended that if there is not adequate easement width to improve the road to a
Rural Class II standard that the applicant provide any additional easement width required to accommodate the required improvements. However, this easement could potentially serve 35+ future parcels, and the ultimate road standard necessary to serve this number of parcels as determined by the Road Improvement and Circulation Policy is a Rural Class III Road. A Rural Class III Road normally requires a 60' wide non-exclusive easement but a Rural Class III Road may be constructed within a 50' non-exclusive easement along the current alignment. Since there is an existing 25' easement within the project site, there is a potential for a 50' non-exclusive easement with any additional easement width being obtained from the adjoining parcel upon its subdivision. If a Rural Class III Road can be constructed within the 50' non-exclusive easement, additional easement width would not be required of the applicant. As a condition to approving the waiver, Staff recommends the applicant be required to conclusively demonstrate to the County Engineer's approval that a Rural Class III Road can be built within a 50' non-exclusive easement along the current road alignment within the project site.

A Barn on Parcel B lies within the 40' non-exclusive easement. The Public Works Department indicated that a Rural Class II Road may be built within the easement without disturbing the barn. Staff recommends that the barn and its encroachment into the easement be shown on the Parcel Map as constructive notice to future owners of the encroachment of the barn into the easement.

On-site Septic Systems—In accordance with Section 16.12.330 of the County Subdivision Ordinance, approved percolation and soil analysis tests are required for Parcel A. Parcel A is less than 6 acres in size and is automatically required to fulfill this requirement. The County Sanitarian recommends a percolation test and soil profile for Parcel C due to the numerous rock outcroppings. In addition the standard statement providing information on the approved percolation and soil analysis tests shall be recorded and referenced on the parcel map.

RECOMMENDED FINDINGS:

1) The project is found to support, accomplish, or have no effect on the goals, policies, and standards of the General Plan as a whole and will not obstruct the achievement of the Plan's purpose. This finding is made in accordance with Section 2.600 et. seq.
2) The subdivision, upon compliance with the required conditions, complies with all standards of the Subdivision Map Act and the County Subdivision Ordinance.

3) For the purposes of public health, safety and welfare and the orderly development of the surrounding area, the required road improvements are necessary prior to recordation of the parcel map.

RECOMMENDED CONDITIONS:

1) A dedication of a minimum 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 that the dedication is for "public road and utility purposes". The location and width of the 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) A dedication of 25 feet from the eastern property line shall be offered to the County of Mariposa. The offer of dedication shall be non-revocable and specifically state that the dedication is for "public road and utility purposes". The location and width of the dedication shall be approved by the County Engineer.

(Section 16.12.150, County Subdivision Ordinance; Section II.A.3, Road Improvement and Circulation Policy)

3) The applicant shall conclusively demonstrate to the County Engineer's approval that a Rural Class III Road can be built within a potential 50' wide non-exclusive easement along the current alignment. If a Rural Class III Road cannot be constructed within the potential 50' non-exclusive easement the applicant shall be required to offer for dedication the additional easement width necessary.

(Planning Department Recommendation)

4) Percolation tests and soil analysis shall be performed on Parcels A and C. 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 the approved percolation and soil analysis tests have been
MITIGATION MEASURES LIST

Land Division Application No. 1355

The following list of mitigation measures for Land Division Application No. 1355 has been developed by the Planning Department to reduce or eliminate the potential significant impacts of the project. These mitigation measures must be included in the project proposal before a public hearing can be set and a Negative Declaration can be considered and adopted pursuant to Section 15070(b)(1) of the California Environmental Quality Act.

1. The applicant shall address the easement encroachment sight distance problem by trimming the brush to both the east and west of the easement encroachment and by removing or lowering the cut bank to the west. The encroachment work shall be approved by the County Engineer, and shall meet all County Standards and Ordinances as a condition of approval of this project.

I, [signature], being the project applicant or agent authorized to act in behalf of the project applicant, do hereby agree to the above mitigation measure(s) and agree to modify the project to incorporate the above mitigation measure(s) into the project as conditions of approval.

[Signature]
Project Applicant/Agent

[Signature]
Date
INITIAL STUDY
ENVIRONMENTAL CHECKLIST FORM "B"

SECTION A

I. BACKGROUND

1. Name of Project Proponent: Doris Wooden
   Agent: H. Forbes Simpson

2. Address and Phone Number of Proponent: 4084 Ben Hur Road
   Mariposa, CA 95338  (209) 966-5263

3. Lead Agency: Mariposa County Planning Commission

4. Project Title: Land Division Application No. 1355

II. DESCRIPTION OF PROJECT

Proposed division of an 18.27 acre parcel into three (3)
parcels of 5.01 acres, 5.05 acres, and 8.21 acres
respectively. The project site is on the south side of Ben
Hur Road, and is located 2.8 miles from the intersection of
Ben Hur Road and Highway 49 South.

III. DESCRIPTION OF ENVIRONMENTAL SETTING

The property is located in the Oak Woodland Habitat at an
elevation of approximately 1,600 to 1,750 feet. Vegetation
on the site consists of Live Oak, Blue Oak, Valley Oak,
scattered Digger Pines, Manzanita, Ceanothus, and assorted
annual forbs and grasses. According to the Mariposa County
Soil Survey, Auberry rocky sandy loam (AfE2) is the
predominant soil type on the site. This soil type is
characterized as having 2 to 10% rock outcrops, medium to
rapid surface runoff, and moderate to high erosion hazard.
Slope on all parcels is relatively gentle, ranging from 5
to 15%. Parcel C has a minor drainage channel running from
east to west approximately in the center of the parcel.

Parcel B has existing improvements which include a house,
garage, and barn. The barn currently is within the existing
forty foot (40') easement serving the property. Parcel B is
served by an existing well, and an on-site septic disposal
system. Parcels A and C will be served by individual wells
and on-site septic disposal systems.

The Department of Fish and Game's Natural Diversity Base
and Areas of Special Biological Importance Map indicates
that there are no threatened or endangered plant or animal
species within the project area.
IV. Environmental Effects Checklist:

(Explanations of all "Yes" or "Maybe" answers are required on attached sheets)

<table>
<thead>
<tr>
<th>Potential Effect</th>
<th>Yes</th>
<th>Maybe</th>
<th>No</th>
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<tbody>
<tr>
<td><strong>EARTH</strong> Could the project result in:</td>
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<tr>
<td>1. The destruction, covering of any unique geologic or physical features? (1)</td>
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<td>✓</td>
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<tr>
<td>2. Substantial acceleration in wind or water erosion of soils, either on or off the site? (2)</td>
<td></td>
<td>✓</td>
<td></td>
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<tr>
<td>3. Unnecessary or unusual exposure of people or property to geological hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards? (3)</td>
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<td>✓</td>
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<td><strong>AIR</strong> Could the project result in:</td>
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<td>4. Creation of substantial air emissions or major deterioration of ambient air quality? (4)</td>
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<td>✓</td>
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<tr>
<td>5. The creation of objectionable odors? (5)</td>
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<td>✓</td>
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<tr>
<td>6. The creation of substantial amounts of air-borne particulate matter? (6)</td>
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<td>✓</td>
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<tr>
<td><strong>WATER</strong> Could the project result in:</td>
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<tr>
<td>7. Major changes in absorption rates, drainage patterns, or the rate and amount of surface runoff? (7)</td>
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<td>✓</td>
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<tr>
<td>8. Major alterations to the course of flow of flood waters? (8)</td>
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<td>✓</td>
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<tr>
<td>9. Major discharge into surface waters or any major alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity? (9)</td>
<td></td>
<td>✓</td>
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<tr>
<td>10. Major alteration or reduction of available subsurface water supplies necessary to support existing development? (10)</td>
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<td>✓</td>
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<td><strong>PLANT LIFE</strong> Could the project result in a substantial reduction of the numbers of any rare or endangered species of plants? (11)</td>
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<td>✓</td>
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<td><strong>ANIMAL LIFE</strong> Could the project result in:</td>
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<td>12. Major reduction of the numbers of any unique, rare or endangered species of animals? (12)</td>
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<td>✓</td>
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<td>13. Major introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals? (13)</td>
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<td>✓</td>
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<td>14. Major deterioration of existing fish or wildlife habitat? (14)</td>
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<td>✓</td>
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<td><strong>NOISE</strong> Could the project result in increases in existing noise levels detrimental to existing uses? (15)</td>
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<td>✓</td>
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<tr>
<td><strong>LIGHT AND GLARE</strong> Could the project produce new light or glare abnormal to existing uses? (16)</td>
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<td>✓</td>
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<tr>
<td><strong>LAND USE</strong> Could the project result in a substantial alteration of the present or planned use of an area? (17)</td>
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<td>✓</td>
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<td>Question</td>
<td>Yes</td>
<td>Maybe</td>
<td>No</td>
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<td>------------------------------------------------------------------------</td>
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<td>19. Major increases in the rate of use of any natural resource excluding water?</td>
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<td>20. Substantial depletion of any non-renewable natural resource or preclude development of a natural resource?</td>
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<td>21. Risk of Upset Could the project involve a risk of an explosion or release of hazardous substances?</td>
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<td>22. Population Could the project substantially alter the existing or planned location, distribution, density or growth rate of human populations of an area?</td>
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<td>23. Transportation/Circulation Could the project result in:</td>
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<td>24. Major effects on existing parking facilities, or demand for new parking?</td>
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<td>25. Major alterations to present or planned patterns of circulation or movement of people and/or goods?</td>
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<td>26. Major increase in traffic that may be hazardous to motor vehicles, bicyclists, pedestrians, or livestock?</td>
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<td>27. Public Services Could the project have an effect upon, or result in a need for new or altered governmental services in any of the following areas?</td>
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<td>28. Fire Protection</td>
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<td>29. Police Protection</td>
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<td>30. Schools</td>
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<td>31. Parks and Other Recreation Facilities</td>
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<td>32. Maintenance in public facilities including streets and roads</td>
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<td>33. Other governmental or public services or facilities</td>
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<td>34. Human Health Could the project result in:</td>
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<td>35. Creation of any health hazard or potential health hazard (excluding mental health)?</td>
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<td>36. Exposure of people to potential health hazards?</td>
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<td>37. Aesthetics Could the project result in:</td>
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<td>38. The destruction of any scenic vista or view open to the public?</td>
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<td>39. The creation of an aesthetically offensive site open to public view/</td>
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<td>40. Cultural Resources Could the project result in:</td>
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<td>41. The alteration of or the destruction of a prehistoric or historic archaeological site?</td>
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<td>42. Adverse physical or aesthetic effects to a prehistoric or historic building, structure or object?</td>
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</table>
V. DISCUSSION OF ENVIRONMENTAL CHECKLIST FINDINGS

2, 7, and 9: The gentle slopes of the proposed parcels, the standards of the County Grading Ordinance, and the use of the existing driveway encroachment for Parcel B, and the existing non-exclusive access easement for Parcel C should ensure that grading activities for access, building sites, and required facilities will not have a significant effect on soil erosion, surface runoff, water absorption, drainage or surface waters.

24: The Road Division states that the sight distance for the existing easement is inadequate and creates a potential traffic hazard. The west and east side of the easement entrance is overgrown with brush and to the west there is a cut-bank which reduces the sight distance. Trimming the brush to the east and west sides of the encroachment and removing or lowering the cut bank to the west will correct the sight distance problem.

VI. SUGGESTED MITIGATION MEASURES DEEMED APPROPRIATE TO REDUCE OR ELIMINATE POSSIBLE ENVIRONMENTAL EFFECTS

24: The applicant shall be required to improve the easement encroachment sight distance problem by trimming the brush on both the east and west side of the easement entrance and removing or lowering the cut bank to the west. All work shall be done to the approval of the County Engineer and shall meet all requirements of the Mariposa County Grading Ordinance. With the correction of the sight distance problem the traffic hazards associated with the encroachment will be reduced and will not be significant.
VII. ANALYSIS OF SIGNIFICANCE:

<table>
<thead>
<tr>
<th>Identified Potential Impact (No.)</th>
<th>Mitigation Possible</th>
<th>Impact Significant</th>
<th>Explanation</th>
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<tbody>
<tr>
<td>2</td>
<td>Yes</td>
<td>No</td>
<td>X</td>
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<td>7</td>
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<td>X</td>
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<td>9</td>
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<td>X</td>
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<td>24</td>
<td>X</td>
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VIII. MANDATORY FINDINGS OF SIGNIFICANCE (As per Section 15061 of the CEQA Guidelines, requires EIR if "Yes") Does the project have:

A. The potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

B. The potential to achieve short term, to the disadvantage of long term, environmental goals?

C. Impacts which are individually limited but cumulatively considerable?

D. Environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
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<tbody>
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<td>A.</td>
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<td>B.</td>
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<td>C.</td>
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<td>D.</td>
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IX. DETERMINATION:

On the basis of this initial study:

A. ___ It is found on the basis of this initial study that the proposed project WILL NOT have a significant effect on the environment and a NEGATIVE DECLARATION WILL BE PREPARED.

B. √ It is found on the basis of this initial study that the potential environmental effects of this project WILL NOT be significant in this case because the mitigation measures described in Section VI will be added to the project proposal as conditions of approval and will mitigate environmental effects entirely or to an acceptable level. A NEGATIVE DECLARATION will be prepared.

C. ___ It is found on the basis of this initial study, that the proposed project MAY have a significant effect on the environment, and an Environmental Impact Report is required. (This determination may be based upon Section VII, Analysis of Significance or Section VIII, Mandatory Findings of Significance)

D. ___ It is found that it can be argued on the basis of substantial evidence that the project may have a significant environmental impact. An Environmental Impact Report is required.

E. ___ It is found that there is a serious public controversy concerning the potential environmental effects of the project and an Environmental Impact Report is required.

F. ___ It is found that the project cannot be approved or conditionally approved and no further action is required under the provisions of the California Environmental Quality Act.

X. ACTIONS:

A. Section "A" of this Initial Study was:
   Prepared by Roger Evans
   Assisted by
   Reviewed by Duane Hall
   Reviewed by

B. Section "B" of this Initial Study was:
   Prepared by Roger Evans
   at the direction of
   Approved by Duane Hall

C. Authority:
   Signature
   Title
   For
TO: The Mariposa County Board of Supervisors

RE: Appeal of Condition for approval of Land Division Application No. 1355

Appellant: Doris Wooden, Owner- Agent for Owner: Forbes Simpson

The Appellant considers condition 2) of the approval (exhibit A) is unreasonable previously given on the grounds that:
1) She has 25' of the existing 40' width of easement to serve as access for previously approved subdivision. (see exhibit B)
2) The Planning Staff Report with the concurrence of the Road Department Engineering Technion recommends a waiver of additional width on the basis that the required Class II road exists or can be constructed on the existing easement. (see exhibit C)

As the Planning Commission members rarely physically inspect subdivision projects, they rely heavily upon the recommendations of staff and the responses of the County agencies, i.e. Health Dept., Fire Marshal, Road Dept., etc.

In this case during the Planning Commission hearing on November 30, 1990 the Planning Department Staff and the Planning Director both argued in favour of waiver for the easement width.

The Planning Commission thereupon denied the waiver and ordered the 60' easement required under Section 16.12.150 County Subdivision Ordinance Section II.A.3 Road Improvement and Circulation Policy. The justification was not need but simply if it could be taken they wanted it.

Yours truly,

Forbes Simpson, as Agent

Doris Wooden, Owner
TO: THE MARIPOSA COUNTY PLANNING COMMISSION

RE: LOA 1355 (DORIS WOODEN, OWNER) REQUEST FOR WAIVER OF EASEMENT WIDTH REQUIREMENT OF 60' TO EXISTING 40'.

INSPECTION OF THE EXISTING ROADWAY & EASEMENT ON THE EASTERN BOUNDARY OF THE WOODEN PROPERTY REVEAL A GOOD GRAVEL BASE & SURFACE WITH NO EVIDENCE OF SOFT OR MUD-PRONE AREAS THE LENGTH OF THE PROPERTY.

25' OF THE EXISTING 40' WIDTH OF EASEMENT WAS TAKEN FROM THE WOODEN PROPERTY TO ACCESS SUBDIVISION PREVIOUSLY APPROVED BY THE PLANNING COMMISSION.

THE USUAL JUSTIFICATION FOR A 60' EASEMENT IS THAT MUCH OF THE EASEMENT WIDTH IS USED UP IN CUT & FILL SLOPES AT ROADSIDE. SINCE THE ROAD DOES NOT TRAVERSE ANY SEVERE SLOPES, A 40' EASEMENT WILL ACCOMMODATE A CLASS II ROAD.

FORBES SIMPSON AS AGENT
FOR DORIS WOODEN
December 3, 1990

Doris Wooden
4084 Ben Hur Road
Mariposa, CA, 95338

RE: Land Division Application No. 1355

Dear Mrs. Wooden:

At their meeting of November 30, 1990, the Mariposa County Planning Commission acted to approve your Land Division Application No. 1355 with the following conditions:

1) A dedication of a minimum 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 that the dedication is for "public road and utility purposes". The location and width of the 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) A dedication of 45 feet from the eastern property line shall be offered to the County of Mariposa. The offer of dedication shall be non-revocable and specifically state that the dedication is for "public road and utility purposes". The location and width of the dedication shall be approved by the County Engineer.

OR,

A dedication of 60 feet along the eastern property line shall be offered to the County of Mariposa. The offer of dedication may be located within the project site and the adjacent parcel. That portion of the offer of dedication located outside the project site shall be created in a form and manner approved by the County Surveyor. The offer of dedication shall be non-revocable and specifically state that the dedication is for "public road and utility purposes". The location and width of the dedication shall be approved by the County Engineer.

(Section 16.12.150, County Subdivision Ordinance; Section II.A.3, Road Improvement and Circulation Policy)
3) Percolation tests and soil analysis shall be performed on Parcels A and C. 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 the approved percolation and soil analysis tests have been performed on the parcels. A statement shall be recorded in the Official records concurrently with the parcel map and be referenced on the parcel map as follows:

"Approved percolation and soil analysis tests have been performed on Parcels A and C as shown on the Parcel Map for _______, recorded in Book____ of Parcel Maps at Page____, Mariposa County Records, to verify the feasibility of installing on-site septic disposal systems. A map identifying the locations of the approved percolation and soil analysis 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 and soil analysis test, additional tests and design recommendations may be required."

(Section 16.12.330, County Subdivision Ordinance, Health Department Recommendation)

4) Prior to the recordation of the parcel map, all fees associated with the County's processing of the map shall be paid.

(Planning Department Recommendation)

5) The easement from Ben Hur Road to the northern property line of Parcel C shall be improved to a Rural Class II 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.

(Section 16.12.170, County Subdivision Ordinance; Chart A and Section II.D.2.a, Road Improvement and Circulation Policy)

6) An encroachment permit shall be obtained from the Mariposa Public Works Department prior to any work being done on or adjacent to Ben Hur Road. The applicant shall address the easement encroachment sight distance problem by trimming the brush to the east and west of the easement and by removing or lowering the cut bank to the west. The encroachment work required to correct the sight distance problem shall be approved by the County Engineer. In addition, all grading and road improvement work required as a condition of approval of this project shall comply with the Mariposa County Grading
Ordinance and all requirements contained therein, including obtaining a grading permit. 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.

(Chapter 11, County Improvement Standards; Mitigation Measure)

7) That portion of the barn within the 40' non-exclusive easement shall be shown on the parcel map to the approval of the County Surveyor.

(Planning Department Recommendation; Public Works Department Recommendation)

8) The easement from Ben Hur Road to APNs 17-450-013 and 17-450-016 shall be named in accordance with County Resolution No. 85-304. A Road Name Request application shall be submitted to the Planning Department and approved by the Board of Supervisors. The name of the road within the project site shall be shown on the parcel map.

(County Resolution No. 85-304)

You now have until November 30, 1992 to meet the conditions and record the parcel map.

All actions of the Planning Commission may be appealed to the Board of Supervisors. A copy of the appeals procedure is enclosed for your information.

If you should have any questions, please feel free to contact me.

Sincerely,

Roger D. Evans
Planner II

Enclosure/CRRR

cc: County Surveyor
    County Sanitarian
    County Assessor
    H. Forbes Simpson (Agent)
AGREEMENT TO PROVIDE
RIGHTS OF WAY AND IMPROVE ROADS

THIS AGREEMENT made and entered into this 22nd day of November, 1974 by and between

Allen S. Quick and Barbara Quick
113 Spring Way
Madera, California 93637
(Hereinafter referred to as "Quick") and

Thomas O. Mottam and Mary A. Mottam
Mariposa, California 95338
(Hereinafter referred to as "Mottam") and

The Mariposa 320 Property Owner's Association
511 North Palma Avenue
Fresno, California 93704
(Hereinafter referred to as "the Association")

with reference to the following parts:

WHEREAS Quick is holder of record title to that certain parcel of land, together with improvements thereon, situated in the County of Mariposa, State of California, known and described as a tract of land situate in northeast one quarter of Section twelve, Township six south, Range eighteen east, M.D.R.M.K. and acquired by deed recorded in Volume 118, Page 639, Official Records of Mariposa County. (Hereinafter referred to as "the Quick Property"); and

WHEREAS Quick desires to have the existing road through the Quick Property fenced, improved so as to control dust and realigned along the eastern boundary of the Quick Property, and to have the boundaries of the Quick Property determined by survey; and

WHEREAS Mottam is holder of record title to that certain parcel of land situate in the County of Mariposa, State of California, known and described as the east one half of Section thirteen, Township six south, Range eighteen east, M.D.R.M.K. (Hereinafter referred to as "the Mottam Property"); and

WHEREAS Mottam desires a non-exclusive right of way for road and public utility purposes from Hen Hur Road, a County road, for the use of all or any portion of the Mottam Property; and

WHEREAS the Mariposa 320 Property Owners Association is the true owner of that certain parcel of land situate in the County of Mariposa, State of California, known and described as the southeast one quarter of Section twelve, Township six south, Range eighteen east; Lot four (4) in Section seven; Lots one (1) and two (2) and the northeast one quarter of Section eighteen, Township six south,
Range nineteen east, M.D.B.&M. and with title vested in Transamerica Title Insurance Company, a Corporation, under a Trust Agreement (Hereinafter referred to as "the Association Property"); and

WHEREAS E. Vernon Jordan and Rulon E. Van Wagonen hereby represent themselves as duly authorized agents of the Mariposa 320 Property Owner's Association and are empowered to act on behalf of the Association in the matters contained in this agreement; and

WHEREAS the Association desires that the existing but abandoned old Raymond Road through the Association Property be repaired and improved into reasonably driveable condition; and

WHEREAS the Association desires a nonexclusive right of way for road and public utility purposes from Ben Hur Road, a County Road, for the use of all or any portion of the Association Property; and

WHEREAS some uncertainty exists as to the rights of parties hereto to the use of the existing roads; and

WHEREAS the parties hereto desire to establish with reasonable certainty the rights of the respective parties to the use of existing and realigned roads.

NOW THEREFORE in consideration of the foregoing and in further consideration of the mutual agreements and covenants hereinafter set forth, the parties hereto agree by and between themselves as follows:

1. Mottram agrees within six (6) months of the date hereof, to repair and improve, at their expense, the old Raymond Road, in its entire length, through the Association Property. Such repair and improvement shall render the road driveable by ordinary passenger automobile under any reasonable weather conditions.

2. Mottram and the Association agree within six (6) months of the date hereof, to construct, at their expense, such road as is necessary to realign the existing road through the Quick Property onto a strip of land forty (40) feet wide consisting of the eastermost twenty five (25) feet of the Quick Property and the westernmost fifteen (15) feet of the adjoining Stormberg Property. The entire road after realignment shall be repaired or improved, at the expense of Mottram and the Association so as to render the road driveable by ordinary passenger automobile under any reasonable weather conditions. A minimum of twenty (20) cubic yards of mine tailings shall be spread on the road bed at a location to be determined by Quick. All expenses incurred in compliance with this paragraph shall be shared fifty percent Mottram and fifty percent the Association.

3. The Association agrees, within thirty (30) days of the date hereof, to cause a deed to be granted to Mottram as Grantee conveying a nonexclusive right of way as an appurtenance to the lands of the Grantees or any portion thereof situate in Section thirteen, Township six south, Range eighteen east, M.D.B.&M., for road and public utility
purposes, over a strip of land sixty (60) feet in width, the center line of which is the center line of the old abandoned Raymond Road lying within the lands of the Grantee, situated in the southeast one quarter of Section twelve, Township six south, Range eighteen east, M.D.N.&M.

4. Quick agrees, within thirty (30) days of the date hereof, to convey by deed to Mottlam and the Association as Grantees, a non-exclusive right of way as an appurtenance to the lands of the Grantee or any portion thereof situate in Sections twelve and thirteen of Township six south, Range eighteen east and in Sections seven and eighteen of Township six south, Range nineteen east, M.D.N.&M., for road and public utility purposes, over the easternmost twenty-five (25) feet of the land presently owned by the Grantor situate in the east one half of the northeast one quarter of Section twelve, Township six south, Range eighteen east, M.D.N.&M.

5. Mottlam and the Association agree to install, within six (6) months of the date hereof, a suitable fence on both sides of the then realigned road through the Quick (Stormberg) Property. Said fence shall be installed on both the eastern and western boundaries of the then constituted road easement. Said fence shall consist of a minimum of four (4) strands of barbed wire tightly strung on metal or wood posts at least four (4) feet in height. A gate and driveway shall be provided through the westernmost fence at a location designated by Quick. Mottlam and the Association shall have all salvage rights to the existing fence now separating the Quick Property and the Stormberg Property and they may use all suitable material therefrom in constructing the new fence. All expenses incurred in compliance with this paragraph shall be shared fifty (50) percent Mottlam and fifty (50) percent the Association.

6. All the parties hereto agree that the realigned road through the Quick Property shall henceforth be known as "Quick Road", unless the Board of Supervisors of Mariposa County should order it to be known by a different name.

7. Mottlam and the Association agree to furnish the services of a licensed surveyor for the purpose of establishing the physical boundaries of the Quick Property and filing a parcel map in the official records of Mariposa County. Said parcel map shall create four (4) parcels, as designated by Quick, from the Quick Property. Quick shall be responsible for obtaining the necessary approval of the proposed parcels from the Mariposa County Planning Commission.

8. This document contains the entire agreement and understanding concerning the subject matter between the parties and supersedes and repudiates all prior negotiations, proposed agreements and agreements, written and oral. Each of the parties hereto acknowledges that no other party, nor any agent or attorney of any other party, has made
any promise, representation or warranty whatsoever, express or implied, not contained herein concerning the subject matter hereof, to induce him to execute this instrument in reliance of any such promise, representation or warranty not contained herein.

IN WITNESS WHEREOF, the parties hereto have executed the within agreement as of the date first written above.

[Signatures]

WITNESS:

[Signatures]

COUNTY OF Mariposa
STATE OF CALIFORNIA

On this 25th day of May, 1970, in the year 1970, before me, [notary public], a Notary Public, State of California, personally appeared

[Signature]

known to me to be the person whose name is subscribed to the within instrument as a witness thereto, who being by me duly sworn, deposed, and said: that he resides in Mariposa County; that he was present and saw [name]; that, in the presence of [name], the said [name] subscribed the within instrument; that he has seen the same signed, sealed, and attested; that he knows the person who signed the same as the person whose name is subscribed thereto as a witness thereto.

WITNESS:

[Signature]

Notary Public, State of California

COUNTY OF Mariposa OFFICIAL RECORDS VOLUME 15 PAGE 9 10
APPLICATION: Land Division Application No. 1355

APPLICANT: Doris Wooden

AGENT: H. Forbes Simpson

STAFF RECOMMENDATION: Staff recommends the Planning Commission adopt a Negative Declaration with mitigation measures and approve the project with recommended findings and conditions.

PROJECT DESCRIPTION: The applicant proposes to divide a 18.27 acre parcel into three (3) parcels of 5.01 acres, 5.05 acres and 8.21 acres respectively.

LOCATION: The project site is located on the south side of Ben Hur Road, 2.8 miles from the intersection of Ben Hur Road and Highway 49 South (APN 17-440-010).

BACKGROUND: Parcel created prior to the Subdivision Map Act.

RELATIONSHIP TO GENERAL PLAN: The project site is located within the Mountain Home Land Use Classification (Five acre minimum parcel size).

ENVIRONMENTAL REVIEW: Initial Study with recommendation for adoption of a Negative Declaration with mitigation measures.

DISCUSSION: The applicant proposes to divide a 18.27 acre parcel into three (3) parcels of 5.01 acres, 5.05 acres and 8.21 acres respectively. Parcels A and B have frontage along Ben Hur Road (a County Road). Parcel A will be served by a driveway encroachment accessing Ben Hur Road. Parcel B is currently served by both a driveway encroachment off of Ben Hur Road and an existing 40' non-exclusive easement. Parcel C will be served exclusively by the existing 40' non-exclusive easement accessing Ben Hur Road. Slopes on the project site range from relatively level to approximately 15%. A minor drainage course runs through both Parcels A and C. Parcel B has an existing single family residence with a well, and on-site septic system, while Parcels A and C have suitable building sites. Private wells and on-site septic systems are proposed for water and wastewater disposal on Parcels A and C.
Access/Encroachments/Dedications--Parcels A and B both have frontage along Ben Hur Road (a County road) and Parcel B is currently served by an existing driveway encroachment onto Ben Hur Road and the 40' non-exclusive easement on the eastern boundary. Primary access onto Parcel B is via an encroachment accessing the 40' non-exclusive easement. Parcel C will be served by the existing forty (40') foot non-exclusive easement. The present road within the easement is a Rural Class I Road, ranging in width from 22 to 24 feet with approximately 16 feet of gravel surface. An adequate and safe encroachment can be made onto Parcel A from Ben Hur Road. The County Road Division indicated that both the driveway and easement encroachments onto Ben Hur have poor sight distance to both the east and west, and this has been identified in the Initial Study as a potentially significant hazard to traffic on Ben Hur Road. The easement encroachment may be improved by trimming the brush and removing a cut bank to the west. The easement encroachment must be paved to meet County encroachment standards. These encroachment improvements are recommended as a condition of approval and will be carried out through the required encroachment permit process before recordation of the parcel map.

The Road Division recommends the applicant offer a dedication of a minimum of thirty-five feet (35') from centerline along Ben Hur Road which is a designated arterial road. The centerline of the 40' non-exclusive easement is considered to be the eastern most boundary line of the subject property. Twenty five feet (25') from the centerline of this easement is on the subject property, while the remaining 15' is off site. It is the recommendation of the Public Works Department that the portion of the easement that is within the project site be offered for dedication to the County for public access and utility purposes.

Road Improvements--The existing 40' non-exclusive easement will provide access to Parcels B and C. The present road within this easement is a Rural Class I Road. The County Road Improvement and Circulation Policy requires a Rural Class II Road for this easement on the basis of the number of off-site parcels currently being served. The applicant is requesting a waiver to the 60' non-exclusive easement width as required by the County Subdivision Ordinance and states the 40' non-exclusive easement width is presently sufficient for improving the road to a Rural Class II Standard. Based upon comments received from the Road Division it appears that the existing 40' wide non-exclusive easement will be sufficient to improve the current road within the easement to a Rural Class II Standard. As a condition of approval it is recommended that if there is not adequate easement width to improve the road to a
Rural Class II standard that the applicant provide any additional easement width required to accommodate the required improvements. However, this easement could potentially serve 35+ future parcels, and the ultimate road standard necessary to serve this number of parcels as determined by the Road Improvement and Circulation Policy is a Rural Class III Road. A Rural Class III Road normally requires a 60' wide non-exclusive easement but a Rural Class III Road may be constructed within a 50' non-exclusive easement along the current alignment. Since there is an existing 25' easement within the project site, there is a potential for a 50' non-exclusive easement with any additional easement width being obtained from the adjoining parcel upon its subdivision. If a Rural Class III Road can be constructed within the 50' non-exclusive easement, additional easement width would not be required of the applicant. As a condition to approving the waiver, Staff recommends the applicant be required to conclusively demonstrate to the County Engineer's approval that a Rural Class III Road can be built within a 50' non-exclusive easement along the current road alignment within the project site.

A Barn on Parcel B lies within the 40' non-exclusive easement. The Public Works Department indicated that a Rural Class II Road may be built within the easement without disturbing the barn. Staff recommends that the barn and its encroachment into the easement be shown on the Parcel Map as constructive notice to future owners of the encroachment of the barn into the easement.

On-site Septic Systems—In accordance with Section 16.12.330 of the County Subdivision Ordinance, approved percolation and soil analysis tests are required for Parcel A. Parcel A is less than 6 acres in size and is automatically required to fulfill this requirement. The County Sanitarian recommends a percolation test and soil profile for Parcel C due to the numerous rock outcroppings. In addition the standard statement providing information on the approved percolation and soil analysis tests shall be recorded and referenced on the parcel map.

**RECOMMENDED FINDINGS:**

1) The project is found to support, accomplish, or have no effect on the goals, policies, and standards of the General Plan as a whole and will not obstruct the achievement of the Plan's purpose. This finding is made in accordance with Section 2.600 et. seq.
2) The subdivision, upon compliance with the required conditions, complies with all standards of the Subdivision Map Act and the County Subdivision Ordinance.

3) For the purposes of public health, safety and welfare and the orderly development of the surrounding area, the required road improvements are necessary prior to recordation of the parcel map.

RECOMMENDED CONDITIONS:

1) A dedication of a minimum 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 that the dedication is for "public road and utility purposes". The location and width of the 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) A dedication of 25 feet from the eastern property line shall be offered to the County of Mariposa. The offer of dedication shall be non-revocable and specifically state that the dedication is for "public road and utility purposes". The location and width of the dedication shall be approved by the County Engineer.

(Section 16.12.150, County Subdivision Ordinance; Section II.A.3, Road Improvement and Circulation Policy)

3) The applicant shall conclusively demonstrate to the County Engineer's approval that a Rural Class III Road can be built within a potential 50' wide non-exclusive easement along the current alignment. If a Rural Class III Road cannot be constructed within the potential 50' non-exclusive easement the applicant shall be required to offer for dedication the additional easement width necessary.

(Planning Department Recommendation)

4) Percolation tests and soil analysis shall be performed on Parcels A and C. 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 the approved percolation and soil analysis tests have been
MARIPOSA COUNTY
ROAD SYSTEM

LOCATION MAP
LAND DIVISION # 1355
DORIS WOODEN - APP
APN: 017-440-010
MITIGATION MEASURES LIST

Land Division Application No. 1355

The following list of mitigation measures for Land Division Application No. 1355 has been developed by the Planning Department to reduce or eliminate the potential significant impacts of the project. These mitigation measures must be included in the project proposal before a public hearing can be set and a Negative Declaration can be considered and adopted pursuant to Section 15070(b)(1) of the California Environmental Quality Act.

1. The applicant shall address the easement encroachment sight distance problem by trimming the brush to both the east and west of the easement encroachment and by removing or lowering the cut bank to the west. The encroachment work shall be approved by the County Engineer, and shall meet all County Standards and Ordinances as a condition of approval of this project.

I, [Signature: Louis Wooden], being the project applicant or agent authorized to act in behalf of the project applicant, do hereby agree to the above mitigation measure(s) and agree to modify the project to incorporate the above mitigation measure(s) into the project as conditions of approval.

[Signature: Louis Wooden]  
Project Applicant/Agent

[Signature]  
Date: 16 Oct 90
INITIAL STUDY
ENVIRONMENTAL CHECKLIST FORM "B"

SECTION A

I. BACKGROUND

1. Name of Project Proponent: Doris Wooden
   Agent: H. Forbes Simpson

2. Address and Phone Number of Proponent: 4084 Ben Hur Road
   Mariposa, CA 95338 (209) 966-5263

3. Lead Agency: Mariposa County Planning Commission

4. Project Title: Land Division Application No. 1355

II. DESCRIPTION OF PROJECT

Proposed division of an 18.27 acre parcel into three (3) parcels of 5.01 acres, 5.05 acres, and 8.21 acres respectively. The project site is on the south side of Ben Hur Road, and is located 2.8 miles from the intersection of Ben Hur Road and Highway 49 South.

III. DESCRIPTION OF ENVIRONMENTAL SETTING

The property is located in the Oak Woodland Habitat at an elevation of approximately 1,600 to 1,750 feet. Vegetation on the site consists of Live Oak, Blue Oak, Valley Oak, scattered Digger Pines, Manzanita, Ceonothus, and assorted annual forbs and grasses. According to the Mariposa County Soil Survey, Auberry rocky sandy loam (AfB2) is the predominant soil type on the site. This soil type is characterized as having 2 to 10% rock outcrops, medium to rapid surface runoff, and moderate to high erosion hazard. Slope on all parcels is relatively gentle, ranging from 5 to 15%. Parcel C has a minor drainage channel running from east to west approximately in the center of the parcel.

Parcel B has existing improvements which include a house, garage, and barn. The barn currently is within the existing forty foot (40') easement serving the property. Parcel B is served by an existing well, and an on-site septic disposal system. Parcels A and C will be served by individual wells and on-site septic disposal systems.

The Department of Fish and Game's Natural Diversity Base and Areas of Special Biological Importance Map indicates that there are no threatened or endangered plant or animal species within the project area.
IV. Environmental Effects Checklist:
(Explanations of all "Yes" or "Maybe" answers are required on attached sheets)

<table>
<thead>
<tr>
<th>Potential Effect</th>
<th>Yes</th>
<th>Maybe</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>EARTH: Could the project result in:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. The destruction, covering of any unique geologic or physical features?</td>
<td>(1)</td>
<td></td>
<td>√</td>
</tr>
<tr>
<td>2. Substantial acceleration in wind or water erosion of soils, either on or off the site?</td>
<td>(2)</td>
<td>√</td>
<td></td>
</tr>
<tr>
<td>3. Unnecessary or unusual exposure of people or property to geological hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards?</td>
<td>(3)</td>
<td></td>
<td>√</td>
</tr>
<tr>
<td>AIR: Could the project result in:</td>
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<td></td>
<td></td>
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<tr>
<td>4. Creation of substantial air emissions or major deterioration of ambient air quality?</td>
<td>(4)</td>
<td></td>
<td>√</td>
</tr>
<tr>
<td>5. The creation of objectionable odors?</td>
<td>(5)</td>
<td></td>
<td>√</td>
</tr>
<tr>
<td>6. The creation of substantial amounts of air-borne particulate matter?</td>
<td>(6)</td>
<td></td>
<td>√</td>
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<tr>
<td>WATER: Could the project result in:</td>
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<td>7. Major changes in absorption rates, drainage patterns, or the rate and amount of surface runoff?</td>
<td>(7)</td>
<td>√</td>
<td></td>
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<tr>
<td>8. Major alterations to the course of flow of flood waters?</td>
<td>(8)</td>
<td></td>
<td>√</td>
</tr>
<tr>
<td>9. Major discharge into surface waters or any major alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?</td>
<td>(9)</td>
<td>√</td>
<td></td>
</tr>
<tr>
<td>10. Major alteration or reduction of available subsurface water supplies necessary to support existing development?</td>
<td>(10)</td>
<td></td>
<td>√</td>
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<tr>
<td>PLANT LIFE: Could the project result in a substantial reduction of the numbers of any rare or endangered species of plants?</td>
<td>(11)</td>
<td>√</td>
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<td>ANIMAL LIFE: Could the project result in:</td>
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<td>12. Major reduction of the numbers of any unique, rare or endangered species of animals?</td>
<td>(12)</td>
<td></td>
<td>√</td>
</tr>
<tr>
<td>13. Major introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?</td>
<td>(13)</td>
<td></td>
<td>√</td>
</tr>
<tr>
<td>14. Major deterioration of existing fish or wildlife habitat?</td>
<td>(14)</td>
<td></td>
<td>√</td>
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<tr>
<td>NOISE: Could the project result in increases in existing noise levels detrimental to existing uses?</td>
<td>(15)</td>
<td></td>
<td>√</td>
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<tr>
<td>LIGHT AND GLARE: Could the project produce new light or glare abnormal to existing uses?</td>
<td>(16)</td>
<td>√</td>
<td></td>
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<tr>
<td>LAND USE: Could the project result in a substantial alteration of the present or planned use of an area?</td>
<td>(17)</td>
<td></td>
<td>√</td>
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<td></td>
<td>Question</td>
<td>Yes</td>
<td>Maybe</td>
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<tr>
<td>18.</td>
<td>Major increases in the rate of use of any natural resource excluding water?</td>
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<td>19.</td>
<td>Substantial depletion of any non-renewable natural resource or preclude development of a natural resource?</td>
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<td>20.</td>
<td>RISK OF UPSET Could the project involve a risk of an explosion or release of hazardous substances?</td>
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<td>21.</td>
<td>POPULATION Could the project substantially alter the existing or planned location, distribution, density or growth rate of human populations of an area?</td>
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<td>22.</td>
<td>TRANSPORTATION/CIRCULATION Could the project result in: Major effects on existing parking facilities, or demand for new parking?</td>
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<td>23.</td>
<td>Major alterations to present or planned patterns of circulation or movement of people and/or goods?</td>
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<td>24.</td>
<td>Major increase in traffic that may be hazardous to motor vehicles, bicyclists, pedestrians, or livestock?</td>
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<td>25.</td>
<td>PUBLIC SERVICES Could the project have an effect upon, or result in a need for new or altered governmental services in any of the following areas? Fire Protection</td>
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<td>26.</td>
<td>Police Protection</td>
<td></td>
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<tr>
<td>27.</td>
<td>Schools</td>
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<td>28.</td>
<td>Parks and Other Recreation Facilities</td>
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<td>29.</td>
<td>Maintenance in public facilities including streets and roads</td>
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<td>30.</td>
<td>Other governmental or public services or facilities</td>
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<td>31.</td>
<td>HUMAN HEALTH Could the project result in: Creation of any health hazard or potential health hazard (excluding mental health)?</td>
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<td>32.</td>
<td>Exposure of people to potential health hazards?</td>
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<td>33.</td>
<td>AESTHETICS Could the project result in: The destruction of any scenic vista or view open to the public?</td>
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<td>34.</td>
<td>The creation of an aesthetically offensive site open to public view/</td>
<td></td>
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<td>35.</td>
<td>CULTURAL RESOURCES Could the project result in: The alteration of or the destruction of a prehistoric or historic archaeological site?</td>
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<tr>
<td>36.</td>
<td>Adverse physical or aesthetic effects to a prehistoric or historic building, structure or object?</td>
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</tbody>
</table>
V. DISCUSSION OF ENVIRONMENTAL CHECKLIST FINDINGS

2, 7, and 9: The gentle slopes of the proposed parcels, the standards of the County Grading Ordinance, and the use of the existing driveway encroachment for Parcel B, and the existing non-exclusive access easement for Parcel C should ensure that grading activities for access, building sites, and required facilities will not have a significant effect on soil erosion, surface runoff, water absorption, drainage or surface waters.

24: The Road Division states that the sight distance for the existing easement is inadequate and creates a potential traffic hazard. The west and east side of the easement entrance is overgrown with brush and to the west there is a cut-bank which reduces the sight distance. Trimming the brush to the east and west sides of the encroachment and removing or lowering the cut bank to the west will correct the sight distance problem.

VI. SUGGESTED MITIGATION MEASURES DEEMED APPROPRIATE TO REDUCE OR ELIMINATE POSSIBLE ENVIRONMENTAL EFFECTS

24: The applicant shall be required to improve the easement encroachment sight distance problem by trimming the brush on both the east and west side of the easement entrance and removing or lowering the cut bank to the west. All work shall be done to the approval of the County Engineer and shall meet all requirements of the Mariposa County Grading Ordinance. With the correction of the sight distance problem the traffic hazards associated with the encroachment will be reduced and will not be significant.
VII. ANALYSIS OF SIGNIFICANCE:

<table>
<thead>
<tr>
<th>Identified Potential Impact (No.)</th>
<th>Mitigation Possible</th>
<th>Impact Significant</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Yes</td>
<td>X</td>
<td></td>
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<tr>
<td>7</td>
<td></td>
<td>X</td>
<td></td>
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<tr>
<td>9</td>
<td></td>
<td>X</td>
<td></td>
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<tr>
<td>24</td>
<td>X</td>
<td>X</td>
<td>SEE SECTION V</td>
</tr>
</tbody>
</table>

VIII. MANDATORY FINDINGS OF SIGNIFICANCE (As per Section 15061 of the CEQA Guidelines, requires EIR if "Yes")

Does the project have:

A. The potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

   A. [ ] Yes [ ] No

B. The potential to achieve short term, to the disadvantage of long term, environmental goals?

   B. [ ] Yes [ ] No

C. Impacts which are individually limited but cumulatively considerable?

   C. [ ] Yes [ ] No

D. Environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

   D. [ ] Yes [ ] No
IX. **DETERMINATION:**

On the basis of this initial study:

A. It is found on the basis of this initial study that the proposed project **WILL NOT** have a significant effect on the environment and a NEGATIVE DECLARATION WILL BE PREPARED.

B. **✓** It is found on the basis of this initial study that the potential environmental effects of this project **WILL NOT** be significant in this case because the mitigation measures described in Section VI will be added to the project proposal as conditions of approval and will mitigate environmental effects entirely or to an acceptable level. A NEGATIVE DECLARATION will be prepared.

C. **✓** It is found on the basis of this initial study, that the proposed project **MAY HAVE** a significant effect on the environment, and an Environmental Impact Report is required. (This determination may be based upon Section VII, Analysis of Significance or Section VIII, Mandatory Findings of Significance)

D. It is found that it can be argued on the basis of substantial evidence that the project may have a significant environmental impact. An Environmental Impact Report is required.

E. It is found that there is a serious public controversy concerning the potential environmental effects of the project and an Environmental Impact Report is required.

F. It is found that the project cannot be approved or conditionally approved and no further action is required under the provisions of the California Environmental Quality Act.

X. **ACTIONS:**

A. Section “A” of this Initial Study was:
   Prepared by __________  Roger Evans __________  Date 9/17/90
   Assisted by __________  Duane Hall __________  Date 9/18/90
   Reviewed by __________  Duane Hall __________  Date

B. Section “B” of this Initial Study was:
   Prepared by __________  Roger Evans __________  Date 9/17/90
   at the direction of __________
   Approved by __________  Duane Hall __________  Date 9/18/90

C. Authority:
   __________
   Signature
   __________
   Title
   __________
   For